

# **Our Moral Obligations to Disadvantaged Children**

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## **Declaration**

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## **Abstract**

We live in a time of unprecedented wealth and ease, taking airplanes to exotic locales and enjoying a variety of foods from across the globe. Significant improvements in healthcare have increased life expectancy to three times that of Ancient Egypt, once considered the most advanced civilization of its time. Yet despite these advances, millions of children continue to suffer. Ninety-nine percent of the millions of child deaths before the age of five each year are preventable through low cost treatments. Poor children who live past age five usually experience a lifetime of intellectual, physical, and emotional setbacks because of their disadvantaged circumstances. What, if anything, is to be done?

This dissertation argues we have strong moral obligations to help children by providing a substantive equality of opportunity so that any differences in socioeconomic or life circumstance result from individual choice, not poor moral luck. These obligations are grounded in the common morality, arise from cosmopolitan applications of beneficence, and include the provision of nutritious food, safe drinking water, adequate sanitation, shelter, certain levels of healthcare and education, and love and guidance. Although the task before us is large, it is not impossible and thus incumbent upon us to fulfill it.

## Opsomming

Ons lewe in 'n tyd van ongekende rykdom en gemak, waar ons vlieg na eksotiese bestemmings en 'n verskeidenheid van kos en ontspanning van regoor die wêreld geniet. Groot verbeterings in mediese sorg het ons lewensverwagting opgestoot tot drie keer die van Antieke Egipte, wat eens op 'n tyd beskou is as die mees gevorderde samelewing op aarde. Ten spyte van hierdie vooruitgang is daar steeds miljoene kinders wat hulself in ellendige toestande bevind. Nege-en-negentig persent van die kinders onder vyf jaar oud wat jaarliks sterf kon gered word deur laekoste mediese sorg. Arm kinders wat wel langer as ouderdom vyf leef, ervaar gewoonlik 'n leeftyd van intellektuele, fisiese en emosionele terugslae as gevolg van hulle benadeelde omstandighede. Wat, indien enigiets, kan gedoen word?

Hierdie proefskrif argumenteer dat ons 'n sterk morele plig het om kinders te help deur substantiewe gelykheid van geleenthede te skep sodat verskille in sosio-ekonomiese of lewensomstandighede die resultaat sal wees van individuele keuses, en nie morele geluk nie. Hierdie pligte word begrond deur ons gemeenskaplike moraliteit, spruit voort uit 'n kosmopolitaanse toepassing van goedwilligheid ('beneficence'), en sluit die voorsiening van veilige drinkwater, voldoende sanitasie, skooling, sekere vlakke van mediese sorg en opvoeding, en liefde en voorligting in. Alhoewel die taak wat wat voor ons staan 'n groot een is, is dit nie onmoontlik nie en dus is dit ons plig om dit te vervul.

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## A Few Words to Begin

When Mother died, I really lost all hope. No one bothers to look after you when you have no mother and no father.

– *A 17-year old Ugandan orphaned as a result of AIDS (Human Rights Watch 2005: 1)*

It is very clear we can't fend for ourselves as orphans, we are still young, we look up to others for food.

– *Southern African orphan (Wilkinson-Maposa, et al 2009: 51)*

The suffering of children is intolerable: for the child and for the child become adult; for the compassionate and for those who count the social cost of generations of dropouts, runaways, the impaired, the dysfunctional.

- *Anne McGillivray (1992: 230)*

We live in a world of spiritually sickening economic and social inequality, a world whose progress toward the acknowledgment of common standards of toleration, individual liberty, and human development has been depressingly slow and unsteady. There are sometimes dramatic improvements, and recent events in Eastern Europe must give pause to all those, like myself, who in response to the dominant events of this century have cultivated a defensive pessimism about the prospects of humanity. But we really do not know how to live together.

– *Thomas Nagel (1991: 5)*

Children are the rock on which our future will be built – the leaders of our country for good or ill which is why the rich potential in each child must be developed into skills and the knowledge that our society needs to enable it to prosper.

– *Nelson Mandela (Nelson Mandela Children's Fund 2009)*

There can be no keener revelation of a society's soul than the way in which it treats its children.

– *Nelson Mandela (Nelson Mandela Children's Fund 2009)*

A central premise underpinning our work is the conviction that sustainability or enduring change is to be found in the everyday lives of ordinary people who put their efforts into creating a better future.

– *Susan Wilkinson-Maposa & Alan Fowler (2009: x)*

We are so accustomed to great social and economic inequalities that it is easy to become dulled to them. But if everyone matters just as much as everyone else, it is appalling that the most effective social systems we have been able to devise permit so many people to be born into conditions of harsh deprivation which crush their prospects for leading a decent life, while many others are well provided for from birth, come to control substantial resources, and are free to enjoy advantages vastly beyond the conditions of mere decency.

- *Thomas Nagel (1991: 64)*

...what happens to the world must matter and be significant in our moral and political thinking. One cannot close one's eyes to what actually happens, and stick to one's consequence-independent *niti* [i.e., behavior], ignoring altogether the state of affairs that will emerge.

– *Amartya Sen (2009: 212, emphasis in the original)*

What good is sympathy, however, if it does not translate into a willingness on the part of the rich and prosperous to make sacrifices in the name of common humanity?

– *Nicholas Wheeler (1996: 31)*



## Introduction

### Chapter 1

Did you know that at one point, UNICEF (2000: 11) estimated one million – 1,000,000! – children entered prostitution each year so they could help feed themselves and their loved ones?

Or that children born in a country classified as ‘least developed’ are 14 times more likely to die within the first month of life than children born in a developed nation (UNICEF 2008: 3)?

Do you remember Kevin Carter’s Pulitzer Prize winning 1993 photograph of a starving Sudanese child crouched on the ground as a vulture waited patiently in the background?

Intellectually, we know millions of children suffer from malnourishment, disease, and a lack of adult guidance. Intellectually, we know this world has the resources to address these issues. Some of us think, viscerally, we should help. Some of us hope, vaguely, the lives of these children will improve. Yet suffering continues, and many of us do nothing.

Some of us think institutions are addressing these issues. Isn’t that why we pay taxes for foreign aid? Others believe those problems are only for the rich to resolve. There’s a reason Bill Gates created The Bill and Melinda Gates Foundation. And then there are those who feel no one should do anything at all. If people are impoverished, it’s their own fault.

So children continue to suffer, some of whom will die, and the rest of us carry on with our lives. Is this morally acceptable?

### I. To begin

‘It seems difficult to deny that there are so many things which we ought to do but which we do not have to do...for it is not only philosophers who speak of moral obligations when they are speaking simply of what *ought* morally to be done’ (Clark 1972-1973: 53, emphasis in the original).

While this may indeed be difficult to deny, the ideas contained in this dissertation are not things we ought to do, or would be nice to do, or would make us a better person. Instead, this dissertation argues we have moral obligations to create a substantive equality of opportunity for children. In other words, this is something we *must* do, and we can be considered morally blameworthy should we choose to ignore it.

Strong words, yes? Yet the arguments for the position are even stronger. Because ‘real ethical questions are a species of practical question, and practical questions don’t only involve valuing, they involve a complex mixture of philosophical beliefs, religious beliefs, and factual beliefs as well’ (Putnam 2004: 75), the reasons used to support this position, while grounded in moral philosophy, also touch upon political philosophy, sociology, and economics, examining not only logical deductions but empirical evidence.

The arguments contained in this dissertation can be classified under global ethics. Philosophers have become increasingly concerned with issues surrounding global justice (Beitz 2005: 11), and our understanding of the descriptive scale and content of suffering is one of the primary factors for the increased general and philosophical interest in this area (Beitz 2009: 13). While several prominent philosophers have argued for obligations to the poor generally (see Amartya Sen and Peter Singer), there is very little research in how these arguments should specifically be applied to children.<sup>1</sup>

Finally, be open-minded as you read this. Examine the premises and the logic that follows to obtain the conclusions. Don’t, as Christopher Wellman (2000: 545) did, ‘begin with a firm pretheoretic conviction’ and then ‘find theoretical support for this position’. You may be surprised.

## II. Background literature

Because moral obligations are the primary concern of moral philosophy, a substantial amount of philosophical research addresses such obligations. While major moral theories, including utilitarianism, virtue ethics, deontology, and social contract theory, conceptualize moral obligations on a highly theoretical level, certain individuals have also attempted to address them on a more practical basis. However, these philosophers, most notably Peter Singer (2009), generally address

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<sup>1</sup> Many organizations such as UNICEF *assert* we have obligations to children but do not provide extensive philosophical arguments to support their position.

individuals' moral obligations to demographics other than disadvantaged children (e.g., all other sentient beings or all those living in extreme poverty). In fact, existing philosophical research on obligations to the disadvantaged and obligations to children tends to fall into one of the following categories:

- Literature framed on human rights, social work, or obligations to all;
- Child rights in the context of state obligations;
- Obligations individuals have to everyone (see Singer); or
- Parental obligations to children.

The field of sociology has published a significant amount of literature focusing on disadvantaged children. This research, however, tends to assume children have rights (although the concepts surrounding children's rights are rarely questioned or explained) and asserts (not argues) the best way to protect children is to have the state enforce these rights (Freeman & Veerman (1992), Ife (2001), and Byrne (1998)).

Given this, very little, if any, research specifically addresses individuals' moral obligations to children. By focusing on this topic, this dissertation will diverge from sociological research by asking philosophical questions surrounding rights and obligations as well as questioning the automatic resort to the state to address them. It will also differ from much of the philosophical research by specifically focusing on individuals' (not society's) moral obligations to children in both developed and developing countries.

### **III. Central premise**

*This dissertation rests on the argument that individuals have moral obligations to ensure a substantive equality of opportunity for children so that any differences in socioeconomic status or life circumstance result from individual choice and not poor moral luck.* The primary goals of this research include understanding why these obligations exist, what form they take, and how far they extend.

### **IV. Dissertation overview**

In order to support the arguments for and explore the outcomes of these obligations, this dissertation is divided into 10 chapters, excluding the introduction and conclusion, with each playing a specific role.

Chapter 2 opens the dissertation with preliminary arguments for helping disadvantaged children, many of which are explored in greater detail in later chapters. The *prima facie* reasons for such obligations include the pervasiveness of the problem, children's innocence, the effectiveness of using scarce resources to assist this demographic, and the long-term effects childhood has on an individual's life.

Having done this, Chapter 3 seeks to define disadvantaged children and those who have obligations to them. In order to understand the concept of a disadvantaged child, it is important to first define what a child is and explore the history of our conceptions of childhood. The chapter then details the causes of disadvantaged children as well as their characteristics. After that, it analyzes the effects of being disadvantaged as well as the geographic concentrations of these children. Finally, it defines the individuals who have obligations to help them.

Armed with the definition of a disadvantaged child, Chapter 4 explores why the concept of rights has failed them. In order to do so, the chapter first details the concept of rights and when they are beneficial. After that, it researches criticisms of rights and why the state has proven inadequate in protecting them. Finally, the chapter seeks to understand why foreign aid has also largely been ineffective.

Chapter 5 begins the middle section of the dissertation, which lays out the pragmatic and moral arguments for the central premise. It focuses on the former by detailing the economic, political, and social reasons why individuals should help disadvantaged children.

Chapter 6 is the first of two chapters providing philosophical support for the central premise. This chapter begins by exploring the nature of moral obligations, specifically the obligation of beneficence. It then examines globalization's impact on these obligations as well as the morally arbitrary nature of nationality. Finally, it analyzes the concept of special obligations and the case for cosmopolitanism.

Chapter 7 is the second half of this philosophical support and opens by seeking to understand the roles of institutions and individuals in fulfilling moral obligations. It then explores individuals' obligations to children and the concept of equality of opportunity.

Having established the nature of individuals' moral obligations to children, Chapter 8 details what these obligations are as well as how to fulfill them. With this established, Chapter 9 questions whether such obligations have limits. Chapter 10 then explores the objections to the ideas presented thus far.

With this completed, Chapter 11 explores the feasibility of the ideas, examining (a) whether they are possible and (b) if so, what the steps are to implementing them. Chapter 13 concludes the dissertation by noting the desired impact of the arguments presented as well as a brief summary of the arguments therein.

## The Special Case for Helping Children

### Chapter 2

‘I think it’s important because it raises the question.’

‘Raising the question’ is lauded in modern society as an act of courage and importance. Celebrities ‘raise the question’. Filmmakers ‘raise the question’. Journalists ‘highlight the issue’. Speeches ensue, and pats on the back are exchanged. People proclaim themselves brave.

This is not brave. If a society is highly repressive and ‘raising the question’ is punishable by death (e.g., North Korea), that is brave. Speaking out in a place that stones or burns or exiles offenders is brave. Yet many of those who ‘raise the question’ or ‘highlight the issue’ live in democratic countries that extensively legislate the protection of free speech. In such places, ‘raising the question’ has no consequences. It may be interesting, but it is not brave.

What does take courage in such places is to offer a solution. Offering a solution opens one’s ideas to criticism and rejection. Implementing that solution not only involves rationally and reasonably overcoming objections but hard work and frustration in trying to prevail over obstacles and set backs.

This dissertation offers a solution. It argues the best use of scarce resources in a world with so much need is the investment in children. While the practical arguments for this use of resources are detailed in Chapter 5 and the moral necessity of it is explored extensively in Chapters 6 and 7, this chapter will briefly touch upon a few *prima facie* reasons why helping children is so important in order to set the context for the remainder of the dissertation.

#### **I. Reason 1: The pervasiveness of the problem**

The first reason we should consider helping disadvantaged children is the pervasiveness of the problem. Statistics indicate children living in absolute poverty may total 34% of all children living in the developing world, although it varies significantly by region (The Townsend Centre for International Poverty Research n.d.). Children living in absolute poverty as a percentage of the total number of children living in a given region ranges from 9% in central and west Asia to an incredible 62% in sub-Saharan Africa, with some countries such as Burkina Faso and Ethiopia

reporting rates of 81% and 94%, respectively (ibid). While sub-Saharan Africa contains the highest percentage of these destitute children, other regions are not immune. Sixty-four percent of children in Cambodia live in absolute poverty as well as 53%, 65%, and 89% of children in Haiti, Yemen, and Nepal, respectively (ibid).

Such trends have worrying implications. According to UNICEF (2009b: 16), 25,000 children die each day, often as a result of preventable or easily treatable diseases. In fact, according to *The Economist* (2010a), poor nutrition and preventable disease result in 11 million deaths each year in children under the age of five. In Sierra Leone alone, 40% of children are classified as moderately to severely stunted, and 30% of appropriately-aged children are not enrolled in primary school (UNICEF 2009b: 29). Such facts demand action.

## **II. Reason 2: Children are innocent**

The protection of children is considered to be one of the few universal norms (see discussion of the common morality in Chapter 7), and much of the reasoning behind this surrounds the idea that children's circumstances are often the result of others' decisions, not their own. This lack of decision making power makes them not only not blameworthy for their circumstances but unusually vulnerable to the negative implications of others' decisions. Such innocent vulnerability warrants protection.

This sharply contrasts with our view of adults. Although, as this dissertation argues, adults' circumstances are largely influenced by their experiences and opportunities as children, they are also impacted by the decisions those individuals make. The public appears to understand this. A major impetus for welfare reform in the mid-1990s in the United States was the finding that many adults receiving welfare were collecting government assistance for many years without ever trying to find a job (Aber & Ellwood 2001: 293-294). While the public supported short-term assistance for people with temporary hardship, it did not support this type of long-term dependence (Aber & Ellwood 2001: 294). In other words, people are generally open to helping those whose circumstances are perceived to result from poor moral luck. However, because the general public often attributes others' bad circumstances to their own perceived failures, it can be difficult to gain support for them.

In his article discussing welfare as a moral category, Bernard Beck (1967: 265) states that work is the mechanism in which the rewards of modern society are defined and distributed. As a result,

adults who do not have such rewards (e.g., money and the ability to meet basic needs) are viewed as not deserving them (ibid). Whether this is true or not is outside the scope of this dissertation. The important point is that such reasoning cannot be applied to children. Because society deems it undesirable for children to work,<sup>2</sup> their lack of basic goods does not indicate a lack of desert. In fact, as this dissertation argues, providing children with a solid physical, intellectual, and emotional foundation during their formative years greatly increases the likelihood they will be able to economically contribute to society as adults.

### **III. Reason 3: An effective use of scarce resources**

We should also consider helping children because such assistance is an effective use of scarce resources. A study of poor people's giving patterns in southern Africa found they give to those who need aid and will use that aid effectively (Wilkinson-Maposa et al., 2009: 40). This appears to be criteria that any reasonable person would require in order to maximize the return on scarce resources.

Chapter 5 provides details of the pragmatic (e.g., financial, economic) arguments of why aiding children provides the best return on aid investment. A 2000 UNICEF report, however, aptly summarizes the reasoning:

Impoverished children become transmitters of poverty, as parents, to the next generation. In a vicious cycle, malnourished girls grow up to become malnourished mothers who give birth to underweight babies; parents lacking access to crucial information are unable to optimally feed and care for their children; and illiterate parents cannot support children in their learning process.

These children, then, run the risk of becoming the next generation of poor. In order to transform this vicious cycle into a virtuous cycle, poverty reduction must start with children. (3)

Because the poor usually are net recipients of, not net contributors to, economic systems (e.g., welfare payments, lower tax contributions), raising people out of poverty provides strong returns not only for their own lives but also for the entire system since money that would have been spent on aid can now be deployed elsewhere.

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<sup>2</sup> While child labor exists in certain parts of the world, this is largely considered undesirable for two reasons: (1) such time should be spent gaining an education to more fully participate in society and (2) the work available to children is often dangerous. Chapter 3 discusses this topic in detail.



#### IV. Reason 4: A person's childhood has long-term effects on his life

Michael Freeman (1992b: 30) argues we should not fall into the myth that childhood is the best part of a person's life and thus should be protected. This dissertation will not do that because it does not seek to romanticize childhood. However, it recognizes childhood experiences have long-term implications for a person's life.

First, an individual's childhood can firmly affect his/her physiological development. For example, certain experiences such as poor nutrition can result in stunted growth that cannot be compensated or overcome as an adult (Eppig, Fincher, & Thornhill 2010: 5). Furthermore, undernutrition in early childhood renders a person more susceptible to chronic diseases, including heart disease, adult-onset diabetes, and cancer, as an adult (Kent 2005: 8). While these effects are discussed in greater detail in Chapter 9, it is clear that the causes of such long-term consequences warrant careful consideration.

The circumstance in which a child is raised also has long-term effects on his/her educational achievement. According to Barbara Ischinger (2009: 13), it is very difficult for those who lack initial qualifications to compensate for them with additional training undergone at a later stage. This means education during childhood is critical. A 2010 UNESCO report found individuals with the lowest educational achievements are those from disadvantaged backgrounds, and they in turn continue a cycle of low educational achievement and poverty (154-155). As education becomes an ever more important element in social and economic success (*ibid*), it is critical that all children have access to a quality form of it.<sup>3</sup>

In addition to the physiological and educational implications, the circumstances in which a child is raised has long-term emotional implications for him/her. The way adults view children, both individually and as a group – will influence the types of adults those children become (Flekkøy 1992: 146). According to Malfrid Flekkøy (1992: 146), 'the child's development of self-confidence, self-respect, identity is determined largely by the signals the child receives about how others – amongst who loved adults are very important – perceives the child's behaviour, feelings, thoughts, and reactions'. Writing in the context of children's rights, Marvin Silverman (1977: 173) makes a similar point: 'We know that social expectations, particularly when they are perva-

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<sup>3</sup> Lack of access to education as well as other basic needs such as food and shelter may engender dire long-term consequences. One study found that NGOs' inability to meet disadvantaged girls' basic needs made it very difficult to prevent them from becoming sex workers since many resort to this as a survival strategy (Letlape, Magome, Nkomo, & Mdwaba 2006: 80)

sive and long-standing, are an extremely powerful force in shaping human behavior. People tend to see themselves the way other people see them, and they tend to behave in a way that is expected of them.' Thus, it is all the more important for us to encourage disadvantaged children and provide them with positive role models so that they do not perceive the life (e.g., teenage pregnancy, low educational achievement) in their immediate vicinity to be inescapable or the norm.

## **V. Concluding remarks**

There are many important moral and pragmatic reasons to help children, and this chapter sought to describe a few of them in order to set the context for the remainder of the dissertation. However, before these reasons can be described in more detail, it is important to first lay the foundations by defining what a disadvantaged child is.

## What Defines the Disadvantaged Child?

### Who are the Individuals with Obligations to Them?

#### Chapter 3

People under 25 currently account for just under half of the world's population (UNFPA 2011: 10), which means the way we treat our children is an important issue. On the one hand, 'children are our future' is a cliché, yet on the other, these are the individuals tasked with one day running governments, founding companies, and creating new technology. The way we care for today's children will impact the world we experience in our old age.

Chapters 6 and 7 argue that we have a moral obligation to extend an equality of opportunity to all children, and the actual needs that are necessary to fulfill it are detailed in Chapter 8. For many children living in developed nations, such arguments are relatively unproblematic. Loving parents, hoping for the best for their children, can meet basic needs such as food, shelter, and education even when living on modest incomes.

Yet for millions of children around the world, the norm in developed nations is unfathomable. Families wracked by poverty are unable to meet even the most basic needs of food and clean water, much less 'luxuries' such as primary education. *When a child's family is unwilling or unable to fulfill the basic needs detailed in Chapter 8 (e.g., food, clean water, basic healthcare, education), that child is considered disadvantaged. She is disadvantaged because she either cannot gain or will have significant and unreasonable hardship in gaining access to the opportunities necessary to help her conceptualize and pursue her own life goals. Such children are thus in need of additional external assistance in gaining an equality of opportunity.* This chapter will first examine the general concepts of children and childhood, next analyze the causes, effects, and characteristics of disadvantaged children, and finally detail where they are most likely to live and which individuals have obligations to help them.

#### **I. General definition of a child**

In order to gain a clearer understanding of what a disadvantaged child is, it is important to first examine what a child actually is. According to Article 1 of the *Convention on the Rights of the Child*, a United Nations convention discussed in Chapter 4, children are human beings below eighteen years of age unless applicable laws specify otherwise. Such an agreement reveals the significant

theoretical and political consensus that children are those below eighteen years of age, although in some cases, dependency may last until 21 (Skinner et al., 2004: 8).<sup>4,5</sup>

Given this definition of a child, what is childhood? In its most basic form, childhood is characterized by significant physiological changes in the human body. Physical and neurological functions are often not fully developed until the early 20s, although this obviously varies by person. Yet the concept of childhood extends beyond a set of physical changes. Stuart Aitken (2001: 120) contends childhood is a social, political, economic, and moral construction that differs by geography and culture. In some ways, these constructions are useful to both the individual and society. For example, given that children are often under the care of their parents until the age of eighteen, humans have the longest dependency period of any species, which is due to the incredible amount of mandatory education children are supposed to receive. However, this education allows individuals to maximize their contributions to society in adulthood, meaning the cost of the dependency period significantly outweighs the contributions derived from it. Yet because these notions of childhood are only constructions, not absolute truths, moral and social variance in conceptualizing childhood can be problematic (Aitken 2001: 120), especially when examining mandatory schooling and child labor laws.

Anne McGillivray (1992: 217) maintains ‘childhood is a condition which varies according to social convenience and social conscience’. As economic and social circumstances have changed, so has the predominant conception of childhood. Because a particular conception of childhood will largely inform what our obligations to the child are, the next section will provide a brief history of the idea of childhood.

## **II. History of the conception of childhood**

The components of childhood are not static, transcendental, nor ahistorical, and our current conception of childhood arose quite recently, relatively speaking. In fact, in his seminal work

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<sup>4</sup> Ages 18 – 21 are still recognized as early adulthood even if dependency continues since, in the vast majority of jurisdictions, a person is granted legal decision-making capabilities at 18.

<sup>5</sup> The Nelson Mandela Children’s Fund helps children from birth to 22 years old (Skinner et al., 2006b: 16). Mamelani, an NGO based in Cape Town, South Africa, assists former street children who must leave children’s shelters at the age of 18 but still lack the skills necessary to be independent. Across Africa, there are many students who are still in high school at 18, 19, or even 20 years old because they either entered the school system at a later age or had to leave school for a few years due to poverty or war. These examples show that although childhood legally ends at 18, due to their disadvantaged backgrounds, some people may need assistance past that age. Thus, in our imperfect world, we must recognize that assistance may need to extend past the legislated end of childhood.

*Centuries of Childhood: A Social History of Family Life*, Philippe Ariès (1962: 411) comments that society's current preoccupation with 'the physical, moral, and sexual problems of childhood' is recent, and such a focus on childhood was unknown in medieval times since the child was not viewed as distinct from the adult. Interestingly, artists in the tenth century portrayed children exactly as adults on a smaller scale instead of associating them with the uniqueness of childhood (10). In fact, Medieval art did not depict childhood until the twelfth century, likely because childhood was not considered a distinct category in the medieval world (33). While affection for children existed, the idea of childhood as a distinct developmental category from adults (or even young adults) simply was not present in Medieval society (128).

Part of this historical lack of value and distinction of childhood was practical: many children simply did not survive long enough to be considered adults (38). As a result, it was considered both prudent and appropriate not to become too attached to one's children (ibid). In fact, throughout much of history, adults conducted themselves no differently in front of children (100, 103). Behavior in the presence of children that would be considered impolite or unacceptable in modern society, including coarse language and sexual references, was considered perfectly acceptable before the moral reformations that began in the seventeenth century (100, 102-103), in part because the idea that children are innocent did not exist (106).

Certain trends began to revise these conceptions. The first was education. Historically, most people thought it unnecessary for all children to attend school or be taught by qualified teachers (Hendrick as cited in Gordon et al., 2003: 42). However, an increased focus on education that began in the fifteenth century but became much more influential during the sixteenth and seventeenth centuries was a primary factor in solidifying childhood as a distinct developmental category (Ariès 1962: 412). By the mid-nineteenth century, this emphasis on education became universal (Hendrick as cited in Gordon et al., 2003: 42).

Urbanization accelerated this trend of conceptualizing childhood as a distinct phase of life. From the sixteenth through the nineteenth centuries, people and jobs began moving away from farms and towards factories. The often unsanitary and sometimes dangerous working conditions of the manufacturing facilities, especially when combined with trends in education, prompted a critical look at the concept of child labor. Prior to the 18<sup>th</sup> and 19<sup>th</sup> centuries, child labor was an unquestioned aspect of life while the concept of universal education remained largely controversial (Fyfe 2007: 6). Yet a reaction against child labor traces its roots to the early 19th century as

Germany, Britain, and the United States began to industrialize (2).<sup>6</sup> Following the introduction of certain factory and labor laws in the United States and Europe, the public and private realms of life separated, and children and women were placed in the private sphere (Aitken 2001: 121). As a result of this and the emphasis on education, the modern conception of the family – a social unit in which parents are entrusted with not only the physical but also the moral and spiritual care of their children – arose (Ariès 1962: 412-413).

Thus, by the eighteenth century, children occupied a central role in the conception of the family (133). Changing religious, educational, and social mores led to the distinction of childhood as a separate category from adults, and it included coddling, the instillation of rational manners, care and protection resulting from the fragility of children, and hygiene (ibid). Children were no longer considered replaceable, and it was no longer acceptable to extend sympathy to a parent who just lost a child by suggesting they could simply have another (401).

As a result of the difference in how parents regarded their children, the historically apathetic attitude towards children had largely disappeared by the nineteenth century, and a new belief holding children as the future of society began to emerge (Aitken 2001: 121). Because of this, the state institutionalized education and health, leaving the family responsible for moral issues and nurturing (ibid).<sup>7</sup> This institutionalization of education, in particular, was a significant landmark in the recognition of childhood (Ariès 1962: 412), and the length of education, as measured in years, increased dramatically during the twentieth century (Aitken 2001: 121). Because education separates adults and children socially, graduation came to be viewed as a marker of the end of childhood and acceptance into the adult sphere (Neil Postman as cited by Aitken 2001: 12).

Although childhood had become a distinct category, the awareness of our current conceptions of youth and adolescence, particularly as distinct from both our current conceptions of young chil-

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<sup>6</sup> While it grew to become an international movement in the 1860s and became one of the primary issues the International Labor Organization, founded in 1919, would eventually address, a larger and more organized international response to child labor did not emerge until the 1980s (Fyfe 2007: 2). In response to globalization, child labor became a primary issue a decade later, and this drew increased attention to both human and children's rights (ibid). Concerned consumers, the emerging focus on corporate responsibility, and increased academic research and media coverage of the issue have led to the current commitment to eliminate harmful forms of child labor (3).

<sup>7</sup> The idea that parents are solely responsible for their children is not unqualified and has evolved since nurturing came to be viewed as occurring only in the private sphere. For example, child abuse as is currently defined did not emerge until the 1870s (before that, such things were considered acceptable) but only became officially recognized and countered (via legislation and punishment) beginning in the 1960s (McGillivray 1992: 227-229).

dren and full-grown adults, occurred as a general phenomenon only after World War I (Ariès 1962: 30). Before that, persons were viewed as either adults or children (25-30). Now, however, adolescence is recognized as a time of training for the rigors of adult life.

Oddly, some theorists argue the extended length of education and rise of children's rights (see Chapter 4) are engendering the demise of the concept of childhood because they emphasize reason and autonomy (see Aitken 2001). Yet such conclusions do not appear to consider the full implications of education and rights. Because of the institutional emphasis placed on both of these concepts, childhood has become a legislated, formalized phase of life. The concepts surrounding and reinforcing the distinction of childhood are more difficult to alter when they are legislated and institutionalized (e.g., through the school system); thus, education and rights do not diminish but instead reinforce the protection of childhood.

When confronted with this understanding that our conceptions of childhood are largely a distinctly modern phenomenon, it is important to remember modern society conceptualizes childhood as a distinct phase of life characterized by the nurturing and training necessary to make wise, autonomous decisions as an adult. Because of the distinct emphasis on this decision-making ability, as noted before, the dependency period for humans is substantially longer than it is for other species and involves access to a variety of food, health, and educational resources. As stated in the introduction to this chapter, children who lack the access to these resources would thus be considered disadvantaged since they would not have the skills and resources necessary to conceptualize and pursue their conception of a good life.

### **III. Causes of disadvantaged children**

Stating the obvious and acknowledging there may be other factors, the inability to access opportunities is, sadly, most often the result of a lack of resources. Poverty is one of the primary factors in rendering certain children disadvantaged in the ability to access opportunities. Not only do impoverished families have less money to meet their children's basic nutritional, health, and educational needs, such families are more prone to eliminate certain necessities – especially education – during financial hardship (UNESCO 2010: 164). It is thus much more difficult for children who lack these basic needs to pursue their conception of the good.

Writing in the context of the developed world, Bruce Bradbury, Stephen Jenkins, and John Micklewright (2001c) describe four reasons why children may live in poor households:

- They were born into a poor household (52);
- There was a change in household income arising from a change in the number of hours worked, a change in the wages paid, or a change in whether or not one is employed (53);
- There was a change in money received from the state (54); or
- There was a change in household size or composition, including parental separation or divorce or the birth of a child (55).

In other words, in both the developing and developed worlds, child poverty often results from low wages, unemployment, single parenthood, and limited state welfare benefits (Aber & Ellwood 2001: 299). In the developing world, diseases, drugs, warfare, and the constrained delivery of basic services further contribute to child poverty (Kent 2005: 98, CFSC 2002: 4). As a result of these common factors, disadvantaged children tend to have certain similar characteristics, which will be described in the next section.

#### IV. A word of caution

While disadvantaged children have many shared characteristics, it is important not to oversimplify this group's composition. Traditionally, theorists have discussed disadvantaged children rather monochromatically. They have viewed such children only in respect to a single, overarching category. They *are* minorities, or poor, or living in the least developed nations, or hungry, or uneducated. Such categories fail to account for the variety of skills they may have or for the reasons for their deficits in certain areas. For example, being a minority does not, in and of itself, make a child disadvantaged (e.g, white children in South Africa). Instead, it may serve as an *indication* of a lack of social or material goods in her life. For example, it may be that those who are minorities have historically been victims of institutional discrimination, and although the legislation – and, hopefully, societal attitudes – have changed, remnants of the system remain. They may, for instance, continue to attend poorly functioning schools or be mired in cultures where certain ambitions or successes are viewed with suspicion. Fortunately, due to both closer interaction and better data, familiarity with the composition and situations of disadvantaged children is changing, and a greater understanding is emerging.

Yet we must not move to the other extreme. Writing 37 years ago, Allan Ornstein (1975: 6) described how some educators, instead of focusing on the negative aspects of disadvantaged children, focused on their 'positive' aspects, arguing these children have hidden talents and creativity, a culture of their own, group cohesiveness, and a sense of humor that is simply not



understood by educators and outsiders, a thought trend that appears to be re-emerging in discussions over the word ‘development’ in the context of poor nations. Ornstein rails against this, arguing such discussions romanticize the poor. In arguing for this ‘culture of poverty’,

There is a propensity to glorify the poor, which seems almost ludicrous, for slums are ugly and slum life is painful. Also, there is a tendency to claim that the poor do not want to become like the middle class, which seems equally as ludicrous, for the poor, even those who are trapped in the culture of poverty, wish to break their chains of penury, which connotes a striving toward a middle-class income level and a simultaneous change in values and life style [sic]. (Ornstein 1975: 6-7).

Ironically, Ornstein notes it has also become popular to view white middle-class societies’ youth as disaffected and aimless, with subsequent arguments to include them in the large category of the disadvantaged, victims of parental uninvolvedness (careerism) and bureaucratic standardization (7). Although he wrote 37 years ago, such attempts continue to be made today. In fact, it is a rather popular countercultural pastime to criticize white middle class society and then attempt to portray the people comprising it as disillusioned victims of material excess (e.g., *Fight Club*, *Catcher in the Rye*). Such attempts evince a rather myopic mindset, and it trivializes the circumstances of those who are truly deprived.<sup>8</sup>

Thus, when examining the causes and characteristics of disadvantaged children, it is important not to oversimplify the relationship between income status/racial group and the extent of being disadvantaged, especially since such characterizations are prone to stereotyping (5). Still, as this chapter will reveal, there is a large amount of overlap between these groups.

## **V. Characteristics of disadvantaged children**

The characteristics of disadvantaged children can be divided into two parts: characteristics of the households in which they live and characteristics found in the individuals themselves. This section will first discuss the characteristics of their households before describing characteristics often found in the children themselves.

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<sup>8</sup> Interestingly, becoming more involved with those who are truly disadvantaged and deprived may allow us to effectively address the shallowness involved in such parochial mindsets.

*Household characteristics*

Disadvantaged children tend to live in households that share similar characteristics. One of the most prominent characteristics is living in a single parent household. Children living in single parent households tend to have significantly higher poverty rates than households in which two parents are present (Bradbury, Jenkins, & Micklewright 2001b: 127). Furthermore, single parent households are much less likely to exit poverty (128).

These single parent households are far more likely to be headed by females (Lewit 1993: 179), and this may be because fathers are more likely to desert their children than mothers. Whether male or female, these single parent households are likely headed by a person who is young, poorly educated, and unemployed with low earning potential (Brooks-Gunn & Duncan 1997: 56).

In many of the least developed nations, millions of children are not fortunate enough to be raised by one parent, and orphans are all too common. While there are many factors, a lack of maternal healthcare resulting in maternal death is the most often cited cause of orphanhood. For example, worldwide, a woman's lifetime risk of dying from maternal causes is 1 in 92 (Population Reference Bureau 2008: 7); however, this masks shocking differences. In developed nations, a woman's risk of dying is 1 in 6,000 while the risk is 1 in 22 in the world's least developed nations (ibid).<sup>9</sup>

Race and ethnicity are also closely correlated with being disadvantaged. In many countries, economically disadvantaged groups tend to be comprised of minorities (Barros, Ferreira, Vega, & Chanduvi 2009: 139), often due to historically unjust economic and social relations (see Chapter 7). For example, in the United States, minority-headed and single parent households are far more likely to be considered food-insecure (Nord, Andrews, & Carlson 2009: iv). A different study of German families showed children in immigrant households were far more likely to live in poverty (Schluter 2001: 169). However, such discrepancies are not limited to the developed world. For instance, in South Africa, blacks, institutionally maltreated under apartheid, continue to suffer significantly higher levels of unemployment and disease than historically favored whites (Leibbrandt, Woolard, McEwen, & Koep 2010: 215, 217; Mooney & McIntyre 2008: 637)

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<sup>9</sup> Interestingly, the majority of orphans are adolescents (UNAIDS, UNICEF, & USAID 2004: 4). This creates a huge issue since most host/adopting families and NGOs tend to focus on younger children, who are often perceived to have fewer issues and be easier to care for than older ones. As a result, many countries report a large, unmet need in caring for orphaned and vulnerable adolescents.

Making matters worse, disadvantaged children tend to live not only in poor households but also in poor communities. Because these communities have extensive needs yet thin resource bases, the resources are often not saved but instead constantly deployed in the community (Wilkinson-Maposa et al., 2009: 76). Thus, when crises occur (e.g., drought or death of a household earner), there are no resource reserves (e.g., savings in a bank, extra chattel, or excess crops) to mitigate the damage. As a result, money that would have been deployed to pay a child's school fees is instead used to pay for survival necessities such as food.

These communities also have characteristics that can entrench child poverty and disadvantage. For example, high unemployment levels have been cited as causes of substance abuse, poverty, and teenage pregnancy (Skinner et al., 2006a: 9). This can, in turn, entrench the undesirable characteristics found in these communities. For example, poverty, unemployment, and substance abuse are partially responsible for high HIV/AIDS prevalence in some communities (Mfecane, Skinner, Mdwaba, Mandivenyi, & Ned 2006: 35). Unfortunately, parental death from HIV/AIDS is the primary cause in the increase of orphans and other vulnerable children in southern Africa (Davids & Skinner 2006a: 1). The lack of support mechanisms to care for these children means they are highly likely to engage in the behavior that is at least partially responsible for their current state (e.g., unprotected sex resulting in teenage pregnancy or disease; inability or unwillingness to attend school resulting in few employment opportunities), therefore continuing the cycle (ibid). Exacerbating this, people living in poverty demonstrate what Geof Wood (2003: 455) terms 'dysfunctional time preference behavior', meaning their immediate survival needs cause them to make decisions that are often to the detriment of their longer-term prospects (e.g., parents who withdraw their children from school because they need the funds from all family members working; however, a lack of education increases the chances the child will become an impoverished adult). Thus, some cite general poverty as the largest contributor to the vulnerability of children within a community (Skinner et al., 2006a: 9).

#### Personal characteristics

In addition to living in households and communities containing certain similarities, disadvantaged children also tend to share specific personal characteristics. This is generally because children raised in poverty have less access to the resources necessary to succeed – including food, shelter, healthcare, and education – than do children raised in more advantaged economic circumstances (Corcoran & Chaudry 1997: 41), and such lack produces similar outcomes. Thus,

poverty, poor schooling, parental unemployment and educational status, family structure, and living in highly impoverished areas all contribute to deficiencies in a child's mental, social, intellectual, and physical well-being (Brooks-Gunn 1995: 87). This section details some of those characteristics.

First, children who are impoverished are characterized by worse outcomes on almost all measures of health. For example, according to UNICEF (2009c: 45), under 5 mortality rates are a useful indicator of a child's well-being because they are an outcome based on an array of inputs, including health, nutrition, water and sanitation facilities, education, and access to services. Examining the data yields telling results. In developed nations, less than 1% of children under the age of 5 are underweight while in less developed nations, underweight children comprise 24% of all children under the age of 5 (Population Reference Bureau 2007: 11). What do such statistics mean? They mean the lottery of life virtually guarantees children born in developed nations will have access to proper nutrition while children born anywhere else (and that 'anywhere else' comprises the majority of the world), have a 1 in 4 chance of not receiving proper nutrients, with an outcome that may permanently affect their physical and mental development. In line with this, statistics published by the Population Reference Bureau (2008: 6) showed mothers with no education were significantly more likely to have children who were stunted as a result of malnourishment than mothers who had a secondary education or higher.

Disadvantaged children also have much higher rates of teen pregnancy (Bradbury & Jäntti 2001: 67). Pregnancy at such a young age often reflects a lack of parental guidance, poor or non-existent educational institutions, and few, if any, employment or other extracurricular opportunities.

Another characteristic of impoverished children is reduced access to educational resources and opportunities, and this often reflects low educational achievement among their parents. According to UNESCO (2006: 1), a mother without any education is twice as likely to have children who are not in school compared to a mother with at least some education. In line with this, one study in Latin America found that most disadvantaged children had parents with low educational achievement (Barros, Ferreira, Vega, & Chanduvi 2009: 140). (Conversely, members of advantaged groups tended to have parents with higher educational achievement (142).) Given these types of statistics, it is unsurprising that children living in the poorest 20% of households are consistently more likely to have fewer years of education (UNESCO 2010: 160-161).

Disadvantaged children also tend to lack parental and/or adult guidance and support. Such support is critical to a child's emotional health, and this health is necessary for a child to properly assess and take advantage of opportunities that are presented in life. According to Donald Skinner and his colleagues (2004: 11), children are more likely to be vulnerable if they live in families with impoverished or mentally or physically ill parents or with parents who do not provide appropriate guidance and direction. These parents may not know how to provide such guidance, may not have time to do so due to preoccupation with meeting basic survival needs, or simply may not be interested in it. Gerald Jacobs, a social worker with 10 years of experience working with street children in South Africa, cited the lack of a support network, meaning a lack of healthy, positive relationships, as the main characteristic of disadvantaged children (personal communication, 23 April 2010). Unfortunately, this lack of support is often overlooked or its importance underestimated.

Partially because of this, disadvantaged children often have high levels of emotional and/or psychological damage (Letlape, Magome, Nkomo, & Mdwaba 2006: 71). In fact, many disadvantaged children experience psychological problems, especially depression, as a result of parental death, higher levels of trauma, and rapid changes within a short period of time, which puts them at greater risk for long-term social and psychological problems (Skinner et al., 2006a: 11). Yet to re-emphasize the point in the previous paragraph, significant lack in physical areas, including food and shelter, often means these psychological problems are either overlooked or untreated.

Finally, like people living in extreme poverty (Singer 2009: 6), disadvantaged children are often characterized by their state of powerlessness. A lack of resources compounded by the lack of support necessary to overcome the barriers to these resources mean such children are generally subjected to forces external to them and do not have the power to change them. It is thus all the more important that they have support in gaining an equality of opportunity in life.<sup>10</sup>

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<sup>10</sup> Interestingly, it is this misunderstanding about the concept and impact of powerlessness that may be one of the largest barriers in wealthier people's understanding of the less fortunate. Many affluent people, particularly in wealthy, individualized cultures, live in circumstances in which hard work and persistence are two of the most important factors in achievement. As a result, they lack an understanding that in other places, barriers to success are so high that hard work and persistence are often futile. For example, it does not matter how hard a person is willing to work when there are no employment opportunities available or when the rains do not appear for the year's crop.

## VI. Effects of these characteristics

What effects do these household and individual characteristics have on a child's life outcomes? Unsurprisingly, such characteristics impact almost all areas of a child's life, some more severely than others. Poverty – one of the primary causes of disadvantaged children – has deleterious effects on children, and they are well documented. For example:

- Children who lack primary caregivers (e.g., parents or other adults who are primarily tasked with caring for them) are at greater risk for health issues, violence, and exploitation (UNAIDS, UNICEF, and USAID 2004: 4).
- In the United States, children living in poverty are more likely to be abused, not succeed academically, and develop learning disabilities (Garbarino 1992: 220).
- A study performed in the U.S. city of Cleveland concluded poverty was associated with higher infant mortality, teenage pregnancy, and delinquency rates (Coulton & Pandey 1992: 245).
- A 1995 study showed children living in families receiving welfare were far more likely to be less healthy, fail school, and present serious behavioral problems than children in families that are not poor (Zill, Moore, Smith, Stief, & Coiro 1995: 42-47). These disparities, while significantly reduced, continued to exist even after controlling for factors such as poverty, parental educational attainment, and family structure (48). Furthermore, the longer a child's family spent on welfare, the more likely it became that the child would report low levels of educational achievement (ibid).

It is important to note that while poverty negatively affects most areas of a child's life, including health, scholastic achievement, and emotional well-being, it influences each area differently (Brooks-Gunn & Duncan 1997: 57). For example, poverty has a greater effect on a child's cognitive ability than it does his emotional health (ibid). This section will examine the effects a lack of access to resources has on children in order to better understand the nature of their disadvantage.

### Health

Because of their lack of access to proper healthcare and appropriate nutrition, disadvantaged children are more vulnerable to disease and infection. Malnourishment, which is different from hunger,<sup>11</sup> can cause, among other things, muscle weakness and organ failure, and its damage can be irreversible (*The Economist* 2009d). According to a joint report from UNAIDS, UNICEF, and

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<sup>11</sup> One can have plenty of food but still be malnourished if the food is not nutritious (e.g., pap).

USAID (2004: 14-15), children, particularly those younger than five years old, living in impoverished households are more vulnerable to childhood diseases, including measles, diarrhea, and pneumonia. African street children are especially vulnerable to HIV/AIDS (CFSC 2002: 4).

Such children are also more likely to be physically and mentally impaired. For instance, children living in poverty in the United States are more likely to report stunted growth and learning disabilities (Brooks-Gunn & Duncan 1997: 60-61). However, such effects are not only related to malnourishment and lack of healthcare. A lack of mental stimulation and parental involvement is also detrimental. A child's home environment significantly affects her cognitive ability, so a child living in a home that contains more opportunities to learn and is in better physical condition is more likely to lead to higher cognitive outcomes (65). Sadly, children living in poverty tend to live in homes that fail to stimulate them intellectually, which often leads to lower IQs and poorer scholastic achievements (Duncan & Brooks-Gunn 2000: 190). Cynthia Kallan (1975: 13) argues this is because children from more advantaged backgrounds have interested adults interacting with them and introducing them to the world. Disadvantaged children, however, have learned the best thing to do is to be quiet and unobtrusive (Kallan 1975: 13). Unfortunately, this deprives them of the opportunity to learn, and they start school intellectually behind their mainstream peers (Kallan 1975: 13). Children who live in poverty for many years or those who live in extreme poverty are at even greater risk of poor cognitive ability and achievement than their more fortunate counterparts who either never enter into or are able to climb out of such circumstances (Brooks-Gunn & Duncan 1997: 67-68).

Guang Guo has researched this topic extensively. According to him, the timing of poverty in a child's life (i.e., how old they were during times of family impoverishment), has a significant impact on how well that child's intellectual ability and achievements develop (Guo 1998). For example, IQs stabilize between the ages of eight and ten, meaning that the intellectual environment of toddlers and children highly influences their long-term intellectual achievement (Jencks, et. al, as cited in Guo 1998: 262). Accordingly, intellectual ability, a product of an individual's genetics and home environment, tends to stabilize in late childhood or pre-adolescence and thereafter remains fairly constant throughout an individual's life (Guo 1998: 264). Intellectual achievement, on the other hand, is more a function of learned skills and, while certainly greatly influenced by ability (i.e., those with greater intellectual abilities have the capacity to achieve much more), it can vary throughout an individual's life as a result of motivation and opportunity (Guo 1998: 264-265).



In keeping with this distinction between intellectual ability and intellectual achievement, poverty that occurs during an individual's late childhood or early adolescence negatively impacts that child's long-term intellectual ability (Guo 1998: 282). While poverty occurring during an individual's adolescence will have a significant negative impact on his intellectual achievement (Guo 1998: 282). This may partially be due to the adolescent's perception of certain opportunities (e.g., well-paying careers) as not available to him and thus not worth the effort to attempt to achieve them (Ogbu and Mickelson as cited in Guo 1998: 262-263). These findings attest to the importance of focusing on assisting disadvantaged children throughout all stages of life, especially in early childhood since intellectual ability, a life-altering trait, stabilizes during that period and is a difficult attribute to correct later in life.

### Education

As alluded to in the previous section, a lack of access to resources means disadvantaged children have far lower levels of education than their more fortunate counterparts. In fact, children living in the poorest 20% of households worldwide are the most likely to be out of school or to never have enrolled (UNESCO 2010: 61). Partially because of this, less than 60% of appropriately aged school children were enrolled in secondary education worldwide in 2009 (The World Bank 2012). South and West Asia as well as sub-Saharan Africa contributed most to this total (ibid).

Such discrepancies are not limited to the developing world. In the United States, only half of minority students complete high school within four years, and only 15% of students from families with low incomes obtain a university degree within nine years of beginning high school (Whitmire & Rotherham 2009).

Even when the children are in school, they tend to achieve far less than their more fortunate counterparts. According to UNESCO (2004: 123), children from socioeconomically disadvantaged backgrounds are consistently among the lowest performing students. In the United States, for example, poorer school districts with fewer resources tended to produce students with lower SAT scores than their richer counterparts (Hechinger 2009). Almost half of all black and Latino students in the United States are often two to three years behind the learning curve for their grade level compared to only 17 percent of whites, and low income students are generally two years behind those in better economic circumstances (McKinsey & Company 2009: 9-10, 12). Because long-term poverty is more detrimental, children raised in such circumstances have sig-



nificantly lower graduation and employment rates than their more advantaged peers (Wagmiller, Lennon, Li, Alberti, & Alber 2006: 859).<sup>12</sup>

This inability to obtain a quality education has several hazardous effects, which are detailed in the next subsection. In Africa, for instance, a lack of education is often directly linked to children turning to the streets (CFSC 2002: 6, 8). However, it is also important to note that a socio-economically disadvantaged background does not inevitably lead to educational disadvantage. To illustrate this point, Austria, Finland, and Japan have successfully implemented educational systems that routinely report a third of top performers in science originate from disadvantaged backgrounds (OECD 2009: 79). Yet despite such examples, OECD research indicates a strong positive correlation between socioeconomic background and school performance for two reasons: (1) children from more affluent backgrounds have more educational and learning opportunities outside of the classroom and (2) more affluent parents have greater choice in the educational institutions in which they can enroll their children (OECD 2009: 84).

### Employment

The lack of access to resources during childhood has long-term, life altering effects, particularly for the individual's eventual employment prospects. In OECD countries, less than 60% of individuals without a high school diploma are employed, with 20% of those lacking this qualification being categorized as long-term unemployed (Ischinger 2009: 13). Such statistics represent the more fortunate ones. Outside of this group of wealthy nations, the picture is far more dismal.

Generally speaking, children who lack parental care in developed nations are still able to gain access to some form of guardianship through the state. If parental care is available but resources are scarce, children are still kept in school through a series of social programs (e.g., welfare) and well-enforced legislation (e.g., mandatory school enrollment laws). Poorer nations lack such safety nets. For the unfortunate children living in these countries, poor employment prospects are not something to one day be encountered as an adult but instead one more factor in the daily struggle for survival.

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<sup>12</sup> As discussed in the previous subsection, while persistent poverty is statistically most significant in determining educational and employment attainment, the time of life during which that poverty occurs is also important (Wagmiller, Lennon, Li, Alberti, & Alber 2006: 861). Poverty experienced during early childhood has a more detrimental effect than that which occurs during adolescence (Wagmiller, Lennon, Li, Alberti, & Alber 2006: 861). As a result, the educational obligations proposed in Chapter 8 emphasize intervention during early childhood.

When there is a dire lack of resources and/or parental care, millions of children living in developing countries must find a way to meet their basic needs and, possibly, those of their siblings. In order to do so, these children may engage in informal jobs such as shoe-shiners or parking attendants (The African Child Policy Forum 2006: 5), where their skills will stagnate and thus decrease the prospects of higher future income. They may also sell family assets, beg, join gangs, or agree to hazardous working conditions (Bequele 2008: 5). Older male siblings may turn to crime and older female siblings to prostitution in order to care for younger siblings (Skinner et al., 2006a: 11).

Persistent poverty and a widening of the divide between rich and poor have lead to growth in child prostitution (Kent 1992: 342). This is sometimes the result of the children turning to or being forced on to the streets; other times, however, it is because parents pressure or force their children into such a profession, depending on the income the child generates from it for the families' survival (Kent 1992: 342). As a result, one million children enter prostitution each year (UNICEF 2000: 11). While this profession has traditionally been girls' option of last resort in order to survive, boys are increasingly turning to it as well (The African Child Policy Forum 2006: 5).

Even for those children not forced into prostitution, working conditions may still be appalling. Such conditions include punishing hours in factories using child labor, exploitative domestic service, or hazardous working conditions, all for low wages since the children's cheap labor is the primary reason employers hire them (Byrne 1998: 15-18). Besides the actual moral wrongness of these situations, they also prevent the child from achieving an education, which means the child and, eventually, her children, will likely remain in the cycle of poverty.<sup>13</sup>

### Abuse

Children living in poor households also report higher rates of abuse, and a study performed in the city of Cleveland in the United States found children living in poor households were more likely to be abused (Coulton & Pandey 1992: 264). There may be several reasons for such a finding. First, and as discussed in previous sections, disadvantaged children are less likely to have active parental care. Should this be the case, the parent is not always available to protect the child

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<sup>13</sup> In an encouraging sign of progress, gains are being made in this area. The ILO (2010: 10) reports that even as the number of children as a percentage of the overall population rose between 2004 and 2008, the absolute numbers of children working in exploitative conditions fell, with the implication that the percentage of children working in such conditions also fell.

from others' abuse. Secondly, the parents themselves, facing the emotional and financial difficulties of poverty, may act upon the stress in unhealthy ways, possibly directing the blame towards the child and punishing them accordingly. Finally, if such behavior is learned from previous generations, it becomes part of the cycle of living in such conditions.

## **VI. Geographic concentrations of disadvantaged children**

Because a lack of access to the resources needed to obtain opportunities is closely tied to poverty and people living in poverty tend to live near others who are also impoverished, disadvantaged children tend to be concentrated in certain areas. This section will first examine the general idea and definition of poverty before turning to its impact upon the geographical dispersion of disadvantaged children.<sup>14</sup>

### Defining poverty

Our realization of the developing world's lagging living standards is a relatively recent phenomenon related to the movements for freedom and independence throughout the world, particularly after World War II (Landes 1990: 6). Yet trying to measure and assess these standards has been fraught with problems. As one economist expressed it: 'We know something about poverty in the world, but it turns out that it's complex' (Stan du Plessis, personal communication, 16 April 2010). As a result, economists are often weary of easy observations made about poverty (ibid).

One of the most difficult aspects of poverty is also among the most basic: how should it be measured? In this, there are two main views. The first is to measure it by income. Under this measure, economists calculate the amount needed to buy a notional, basic amount of goods, and adjust it for purchasing power parity (*The Economist* 2010h). If an individual or household's income falls below the amount needed to purchase these goods (e.g., the widely recognized US\$1.25 per day measure), they are classified as poor. One of the benefits of this measurement is its relative simplicity, although critics counter that it may overestimate poverty since it fails to account for needs provided by social programs such as welfare. Furthermore, better incomes do not always produce better health or educational outcomes (*The Economist* 2010h). Such a measure

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<sup>14</sup> Understanding the geographic location of disadvantaged children is important for two reasons. First, it provides an understanding of the types of resources that must be deployed (e.g., locations close to donors may best be serviced with time whereas locations farther away may need funds; some assistance may be able to build upon existing infrastructure and programs while others may need green field development). Secondly, it allows an understanding of the local particularities or sensitivities under which those resources are utilized (e.g., include allowances for prayer time for schools with primarily Muslim students).

can also be misleading since income can vary between years (e.g., drought, war, death of the head of the household), meaning this measure of poverty may be more of a snapshot than a comprehensive understanding of the situation.

Thus, the second primary way to measure poverty is to examine an individual or household's consumption over a specified period of time. Such an analysis not only smoothes income (e.g., allowing savings in some years and drawdowns on that savings in others) but also considers the goods provided or needs met through public assistance (e.g., food stamps). Yet this measure is also contentious. Critics argue that such an analysis cannot account for many of the effects of poverty, including loss of political freedom or loss by personal choice (e.g., hungry because one is fasting and not because one cannot afford to buy food). Furthermore, the measure is more useful in low-income countries than middle-income ones since the latter have often developed programs for alleviating some of poverty's worst effects without countering all of them (e.g., educational institutions may exist while the money necessary for households to purchase school supplies is not available).

In response to these criticisms, a new measure of poverty – acute multidimensional poverty – was developed in 2010 (see Alkire & Santos 2010). This measure examines 10 areas of deprivation across three categories (health, education, and living standards). By measuring this type of data, the analysis is able to account for the provision of government services and deprivation by choice. When examined under this method, the data shows that poverty is worse and more prevalent than previously estimated (Alkire & Santos 2010: 31). Yet this method as well as the others provide broadly similar indications of poverty's pervasiveness and trends.

With these three measures in mind, Francisco Ferreira and Martin Ravallion (2008: 3) of The World Bank argue any attempts to extend welfare measurement to include qualitative outcomes such as health status and personal freedom for international comparison purposes is simply not possible based on the current information that is available, which is why The World Bank generally restricts such comparisons to people's income or consumption expenditures. This dissertation will thus restrict its examination accordingly.

The trend in income poverty measures is encouraging, with the incidence of \$1-per-day poverty halving between 1981 and 2004 to an overall rate of 18% (Ferreira & Ravallion 2008: 9). Excluding China, who was responsible for much of this decrease, this incidence still declined from 31%

to 21% over that period of time (ibid). Yet even these numbers, however, primarily reflect progress in East and South Asia (10).

While US\$1 per day is used to denote extreme poverty, US\$2 per day is used to denote absolute (as opposed to relative), although not extreme, poverty. While \$2 per day poverty is not as severe as \$1 per day poverty, it remains important since it indicates that poor and not poor are not binary categories but a spectrum of states (Stan du Plessis, personal communication, 16 April 2010). As a result, people still incur severe deprivation above the \$1 per day line and thus continue to merit attention and assistance.

Like the lower indicator, the trends in \$2 per day poverty are encouraging but also indicate how much work must be done. \$2 per day poverty declined between 1981 and 2004, although well below the rate of decline in \$1 per day poverty (Ferreira & Ravallion 2008: 10). During that time, \$2 per day poverty in the developing world decreased from 67% to 48% (ibid). Excluding China, the rate declined from 59% to 52% (ibid).<sup>15</sup>

#### Poverty prevalence across the world

How do such statistics translate into understanding where poor people – and thus disadvantaged children – live? First, and as noted earlier in this chapter, many developed countries have state programs that are striving to eliminate these problems. (However, as also noted elsewhere, significant differences in outcomes remain, which means disadvantaged children still exist even in these wealthy nations). As a result, most of the attention will focus on children living in developing nations. For example, in the United States, programs created to ensure adequate nutrition and medical care for poor children have helped alleviate some of the detrimental effects of these problems in the country (Devaney, Ellwood, & Love 1997). However, many poor countries do not have programs like these; thus, children living in such places need more assistance.

There are several ways to classify countries, including by level of human development, income, or state fragility (Sumner 2010: 7). Looking at the World Bank's gross national income per capita data for 2009, 32% of the world's countries were classified as high-income, 23% as upper-middle income, 27% as lower middle-income, and 18% as low-income (Sumner 2010: 8). What does this

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<sup>15</sup> This disparity between the declines in \$2 per day poverty and \$1 per day poverty means the worst off are doing better but those living just above that line are somewhat stagnant. Why? Theorists have offered many reasons, but an obvious one is that moving from a \$1 per day line to a \$2 per day line means an individual must double her income, and even under the best of circumstances, such an improvement simply takes time (Stan du Plessis, personal communication, 16 April 2010).

mean in terms of where disadvantaged people live? As of 2007/2008, 28% of the world's poor live in low-income nations while 72% live in middle-income ones (14). This sharply contrasts with 1988 – 1990 when 93% of the world's poor lived in low-income nations and only 7% lived in middle-income ones (13). While some of this is the result of rising living standards, much of the difference is due to the re-classification of formerly low-income nations as new middle-income ones (ibid).

As this statistic indicates, a country's reclassification from a low- to a middle-income nation can be broadly indicative of general improvement yet still occur despite millions of poor or extremely poor people living inside such countries. In this instance, the reclassification of Pakistan, Nigeria, India, and Indonesia from low-income to middle-income countries accounted for most of the shift of the world's poor living in low-income countries to living in middle-income ones (9). Partially as a result of such broad-scale reclassifications, almost 1 billion people who live in absolute poverty reside in stable, middle-income nations (13). Furthermore, while the remaining number of people living in low-income nations are relatively low in number, they still represent hundreds of millions of people who need assistance. As a result, the classification of a country's income can be misleading, and both low and middle income nations still need significant assistance.

The following chart provides data on poverty prevalence rates across three measures, categorized by region (note: only 104 developing countries were included in this data):

	Regional Population	Weighted Average of MPI* Poor	MPI Poor Population	Proportion of Population Living on Less than \$1.25/Day	\$1.25/Day Population	Proportion of Population Living on Less than \$2/Day	\$2/Day Population
Central Europe, Eastern Europe, and the Commonwealth of Independent States	400	3%	12	6%	24	11%	45
Latin America and the Caribbean	491	10%	51	7%	36	15%	73
East Asia and the Pacific	1,868	14%	255	15%	277	37%	698
Arab States	218	18%	39	3%	7	14%	31
South Asia	1,544	55%	844	40%	620	74%	1,143
Sub-Saharan Africa	710	65%	458	52%	370	73%	520
<b>Total 104 Countries</b>	<b>5,231</b>	<b>32%</b>	<b>1,659</b>	<b>26%</b>	<b>1,334</b>	<b>48%</b>	<b>2,510</b>

\*MPI - Multidimensional Poverty Index (Acute Multidimensional Poverty)

Source: Alkire & Santos 2010, p. 43

Unsurprisingly, conflict-affected states and populous developing ones contain most of the people living in poverty (Sumner 2010: 11), which is why sub-Saharan Africa and South Asia have such high rates.

### *Child poverty throughout the world*

While the previous subsection examined general poverty prevalence, this section will focus on child poverty and its consequences. According to UNICEF (2009b: 13), a human rights frame-

work for assessing living conditions has allowed us to more fully assess children's deprivations and understand their concentration in certain geographical locations. Such a framework has also highlighted disparities within nations, particularly among socioeconomic and ethnic groups (ibid).

As would be expected, only relative, not absolute, child poverty exists in developed nations. In fact, all people living in high-income countries, even the relatively poor, have access to primary education, proper nutrition, and safe drinking water (Sachs 2005: 292-293). This contrasts sharply with the experience of poorer nations. As of 2003, over a third of the developing world's children lacked proper shelter, 20% lacked proper water resources, and 15% were considered severely food deprived, with most of the deprivation occurring in South Asia and sub-Saharan Africa (Gordon et al 2003: 48-49). In fact, as of 2007, there were 163 million orphans worldwide, of which 150 million lived in developing nations and 41.5 million of those living in the nations classified as the least developed (UNICEF 2009c: 23).

These types of numbers translate into vastly different outcomes in health, shelter, and education measures. For example, industrialized nations have no statistically significant figures of moderately or severely underweight or stunted children, while those figures rise to 26% and 34%, respectively, for all developing nations and 33% and 45%, respectively, for the least developed nations (15). Furthermore, 100% of the population in industrialized nations has access to safe drinking water and appropriate sanitation facilities, a figure that drops to 84% and 53%, respectively, for all developing nations and 62% and 33%, respectively, for the least developed ones (19).<sup>16</sup>

Naturally, these circumstances significantly impact children's health, and as a result, health outcomes vary dramatically across the world. In fact, 99% of children's deaths under the age of five occur in developing nations (Reuters 2009), and most of these are easily preventable (cite Singer 2009).

Such numbers also translate into disparities in education statistics. Industrialized nations report primary school attendance rates of 95% while the least developed nations average 66% (UNICEF 2009c: 11). Depending on how school enrollment is measured, secondary school

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<sup>16</sup> Safe drinking water and appropriate sanitation facilities are important for preventing the contraction and spread of certain diseases (e.g., cholera).



enrollment ratios range between 90% and 100% in developed nations, a figure that drops to 27% - 36% in the least developed ones (UNICEF 2009c: 27). As a result, most adults between the ages of 17 and 22 in the developed world have 10 to 15 years of schooling; however, in developing nations, these figures are shockingly lower (UNESCO 2010: 139). In twenty-two developing nations, 30% of adults between these ages have fewer than four years of formal education (ibid), and marginalized groups are the most likely to have appropriately-aged children not attending school (143, 145). When these children do attend school, they are far more likely to receive an education of inferior quality (154). For example, Anton A. van Niekerk (2005a: 60) describes educational and healthcare facilities in rural South Africa as 'either non-existent or in a state of perpetual collapse'.

### Child poverty in industrialized nations

As stated before, the developed world only has relative, not absolute, child poverty.<sup>17</sup> Still, it is important to assess these differences since they translate into differences in equality of opportunity and life outcomes. For example, UNESCO (2010: 155) reports:

There are obvious differences in the experience of education marginalization in rich and poor countries. One is in the degree of absolute deprivation. Almost nobody in the rich world enters adulthood with fewer than four years of education, let alone fewer than two years. Relative deprivation is another matter. Many education systems in rich countries have entrenched patterns of marginalization linked to poverty, the social and economic status of parents, ethnicity, race and other factors.

Marginalization in education in France, Germany, the United Kingdom or the United States is clearly not the same as in Cambodia or Mali. Yet there are two parallels. First, the playing field for opportunity is highly uneven: some groups and individuals enter education systems facing a

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<sup>17</sup> Food deprivation is an excellent example of the difference between relative and absolute poverty. According to the United States Department of Agriculture (USDA), 85% of American households had enough food at all times throughout 2008, and such households spent 31% more on food than those that were classified as food-insecure (Nord, Andrews, & Carlson 2009: i). Yet the very definition of food insecurity is radically different from what would be assumed in most developing nations. The USDA defines households as having very low food security if they experience food disruptions for a few days during seven to eight months of the year (iv), something for which many children in Africa would find fortunate since food deprivation is often a daily occurrence. Furthermore, low food security in the United States is generally episodic, not chronic (9), another stark contrast to the developing world. When food insecurity occurs in the United States, there are a variety of governmental and community programs to assist these households (27). As stated earlier in this chapter, most low income nations do not have the resources for these types of social programs.



heightened risk of failure. Second, education systems themselves often reinforce and perpetuate wider social disadvantages.

Child poverty varies not only between the developed and developing worlds but also within the developed world itself. In one study analyzing child poverty rates across 25 industrialized nations, these rates ranged from 2% to 26% (Bradbury, Jenkins, & Micklewright 2001a: 10-11). They were lowest in Nordic and northern European countries and highest in those that were either located in southern Europe or were English-speaking (11). This is true whether results were measured by relative poverty (in this study defined as incomes that were below half of the national median) or with a fixed poverty line (based on the official poverty line in the United States) across all countries (ibid).<sup>18</sup>

Relative poverty in developed nations often creates a permanent underclass. In one study proposing a project for reviving an urban ghetto in Austin, Texas in the United States, the authors defined 'the underclass' as having 'abnormally high drop-out rates, female-headed families with children, welfare dependency, and unemployment among adult males (Rostow & Rostow 1992: 360). As stated earlier in this chapter, such factors are difficult to change between generations and thus create a vicious cycle.

It is important to note, however, that within industrialized nations, children generally do not live in a state of unending poverty. Instead, studies of British, German, Hungarian, Russian, and American children show that for many, poverty is a transitory state, although for some of these 'poverty transients', this is simply a cycle of entries into and exits from poverty (Hill & Jenkins 2001: 186; Schluter 2001: 171; Galasi & Nagy 2001: 244; Klugman & Kolev 2001: 270; Danziger & Gottschalk 2001: 146; Bradbury, Jenkins, & Micklewright 2001c: 33). As stated earlier in this chapter, research indicates that chronic poverty has a significantly worse effect on children than transient poverty (Hill & Jenkins 2001: 175). Thus, because transient poverty is more common in developing nations while chronic poverty is the norm for developing ones, the latter requires more of our attention in extending an equality of opportunity to all children.<sup>19</sup>

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<sup>18</sup> Interestingly, the English-speaking countries reported greater levels of child poverty despite higher levels of welfare payments (Bradbury & Jäntti 2001: 64). The authors speculate the rigidity in labor markets in Nordic and northern European countries may explain this paradox (Bradbury & Jäntti 2001: 64).

<sup>19</sup> To state the obvious, children living in developed nations will also need our time and attention, albeit not to the same degree as children living in developing ones.

### Child poverty in developing nations

Children living in poverty in developing nations are in far more dire situations than those in the developed world. For example, as of 2003, approximately 90% of rural children in South Asia, Africa, and the Middle East were classified as severely deprived in terms of education, food, water, shelter, sanitation, information, or healthcare (Gordon et al 2003: 51). In a few rather startling statistics, 95% of people in Burundi lack electricity (Alkire & Santos 2010: 107), 67% of people in Nepal do not have improved sanitation (Alkire & Santos 2010: 106), and 62% of people in the Democratic Republic of Congo lack a reliable source for clean drinking water (Alkire & Santos 2010: 107). Because households with children have a greater propensity towards poverty, these numbers are likely higher for children living in these nations.

Sub-Saharan Africa and South Asia contain the highest concentrations of disadvantaged children (Veneman 2009: ii). For example, while the proportion of children who are orphans is highest in sub-Saharan Africa, Asia reports the highest absolute number of orphans (UNAIDS, UNICEF, & USAID 2004: 3), primarily due to populous India. Unsurprisingly, these regions therefore report worse results on almost every measure. For instance, 70% of appropriately aged children who do not attend school live in South and West Asia as well as sub-Saharan Africa (UNESCO 2010: 55).

The economic prosperity that is lifting millions out of poverty in South and East Asia is not progressing as rapidly (and sometimes not progressing at all) in Africa. Thus, despite the substantial increase in worldwide income generated by technological innovation and worldwide development, sub-Saharan Africa is the only region in the developing world that reported an increase in both the percentage and absolute number of people living in poverty since 1990 (The African Child Policy Forum 2006: 2). The continent reports dismal results on almost all measures:

- *Extreme vulnerability:* In some countries, including Botswana, Zimbabwe, and Mozambique, over 15% of all children are orphans (UNICEF 2006: 4).
- *Health:* According to UNESCO (2006: 127), 25% of all children under 5 years old in sub-Saharan Africa are considered moderately to severely underweight as a result of poor diet and malnutrition.
- *Sanitation:* In developed nations, almost the entire population has access to adequate sanitation, meaning facilities that properly dispose of sewage, a figure that falls below 25% for people living in rural sub-Saharan Africa (Population Reference Bureau 2010: 5).

- *Child labor*: While 30% of children living in the least developed countries work, that number increases to 34% for children living in sub-Saharan Africa (UNICEF 2009a: 15). In line with this, the International Labor Office (2006: xi) reports Latin America and the Caribbean have made the most progress towards eliminating child labor while high population growth combined with high HIV/AIDS infection rates have resulted in sub-Saharan Africa making the least progress in this important area.
- *Overall*: Gains in nutrition, healthcare, and general economic development should have lead to a decline in the percentage of children in Africa who are orphans (UNAIDS, UNICEF, & USAID 2004: 7). However, as a result of armed conflict, high levels of poverty that cause families to fracture, and the HIV/AIDS pandemic, the numbers of disadvantaged children in Africa are surging (Bequele 2007: 3, UNAIDS, UNICEF, & USAID 2004: 7).

As would be expected, Africa is not the only place where the picture is not so rosy. For example, although Guatemala is one of Latin America's relatively wealthier countries, as many as 80% of the nation's children in rural areas may be malnourished despite Guatemala's adequate resources to prevent it (*The Economist* 2009d). In Timor-Leste, 40% of children between the ages of six and eleven have never been to school despite hundreds of millions of dollars in international aid (*The Economist* 2009e). Finally, in Cambodia, 45% of children between the ages of 5 and 14 work (UNICEF 2009a: 32).

These statistics tell us that disadvantaged children are found across the world, although they tend to be concentrated on certain continents and regions. While the introduction to this chapter provided a basic definition of these children, the next section will examine other theorists' definitions before comparing them to our own.

## **VII. General definition of a disadvantaged child**

Although often not explicitly stated, the concept of vulnerability is closely intertwined with the concept of disadvantage. Disadvantaged children are more vulnerable to external factors influencing their life outcomes – particularly those that are negative – than are children from more advantaged and protected backgrounds. According to UNICEF (2000: 28), certain groups of children, including 'those suffering from disability, violence, sexual exploitation, hazardous labour or abandonment; those handicapped by life on the street, early marriage, or female genital mutilation; children and especially adolescents at risk of HIV/AIDS; and those affected by

armed conflict and landmines' are 'particularly vulnerable'. Community factors influencing vulnerability include high levels of poverty, crime, gangs, and drug abuse and lack of basic infrastructure such as toilets or a functioning police force (Skinner et al 2004: 12).

Yet it is important to remember that vulnerability is not an absolute; instead, it is a spectrum and thus has different degrees (13). While street children are clearly vulnerable, less obvious instances also exist. For example, a child in southeast Asia may live with both parents, but a poor harvest and geographical isolation in a rural town may leave the child vulnerable to malnutrition. Furthermore, it is not a requirement to be poor in order to be vulnerable (Wood 2003: 458). A child who has access to sufficient food and educational resources may still be vulnerable if subjected to routine sexual, physical, or psychological abuse.

In providing a definition that is able to encompass the continuum of vulnerability, Donald Skinner and his colleagues (2004: 16) define vulnerable children as those individuals under the age of 18 who have (1) material problems such as a lack of money, food, clothing, shelter, education, and healthcare, (2) emotional problems generally stemming from a lack of appropriate care and support, and/or (3) social problems such as an inadequate peer group or role models. Stated slightly differently, vulnerable children are those without a safe home, adequate education, sufficient food and nutrition, proper hygiene, appropriate family care and support, good health, protection from neglect and abuse, adequate clothing, love, and the freedom to make certain choices such as not marrying at a young age (Skinner et al., 2004: 19).

Skinner's detailed definition highlights the rather complicated path that must be navigated in order to determine what a disadvantaged child is. If the definition is too broad, it will dilute the entire concept (e.g., the disaffected middle class children highlighted in Section IV). Yet if it is too narrow, it will miss important points. For example, Skinner and his colleagues (2004: 1) lament academia and popular writings' focus on orphans<sup>20</sup> as opposed to all vulnerable children. As they note, losing both parents does not necessarily mean a child becomes vulnerable, particularly in those cases where the child is adequately cared for by her extended family (Skinner 2004: 9). Yet, as this chapter has been at pains to highlight, having one or even two parents present does not automatically protect a child from vulnerability.

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<sup>20</sup> Orphans are generally considered those children who have lost both parents due to death, desertion, or an unwillingness to provide care (Skinner et al 2004: 8).

What is vulnerability? Vulnerability is the degree to which external factors (i.e., circumstances completely outside of an individual's control) are able to significantly influence the outcomes in a person's life (e.g., health, level of education, career choices). This concept is based upon the idea of self-determination. As Allen Buchanan and Dan Brock<sup>21</sup> (1990: 230) write:

The value many people ascribe to self-determination rests not just on the fact that persons generally tend to choose what is good for them, but also on a particular ideal of the person. We value being, and being recognized by others as, the kind of person who is able to determine and take responsibility for his or her own destiny.

Unfortunately – and to connect this with the definition found in the introduction to this chapter – disadvantaged children are those who are not able to largely determine the course of their lives and thus will not become generally autonomous adults.<sup>22</sup> Buchanan and Brock (1990: 230-231) argue that because self-determination requires 'well-developed capacities for deliberation and choice', the most critical part of a child's interest in self-determination is not in making his own present day decisions but in developing the capacities necessary to be self-determining as an adult. As a result, it is important to help children develop the skills necessary to become self-determining adults (231-232). In order to do so, we must provide the opportunities necessary for children to learn the skills required for self-determination, which include access to healthcare, nutrition, and education, among others (see Chapter 8). Children who lack the access to these resources necessary for self-determination are thus defined as disadvantaged for the purposes of this dissertation.

### Objections

There are two possible objections to address before concluding this section: the first rather trivial; the second more serious.

The first objection is to the term 'disadvantaged children', 'street children', and similar terms. For example, a 2004 UNAIDS, UNICEF, & USAID joint report wrote:

*Children on the Brink* [the name of the report] also avoids using acronyms such as 'OVC' (for orphans and vulnerable children) or 'CABA' (for 'children affected by HIV/AIDS'). Experience

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<sup>21</sup> Buchanan and Brock write about children's autonomy within the biomedical ethical context. However, the principles behind their arguments apply to the idea of equality of opportunity and thus have been adapted to this dissertation.

<sup>22</sup> It is important to note full autonomy is likely impossible for anyone to achieve.

has shown that such jargon eventually becomes used at the community level to identify particular children. When asked what they prefer to be called, children have said, 'Just call us children.' (6)

As Johan Hattingh (personal conversation, April 2008) counters, trying to eliminate this first order language creates a second order difficulty. By trying to gloss over such groups with politically correct language, society can easily overlook that these children are, in fact, different from other, more advantaged children. As a result, we must identify these children in order to provide the assistance they require, and doing so means we must have terms and a language with which we can address these issues.<sup>23</sup>

The second, more serious objection to this dissertation's definition of disadvantaged children is its focus on socioeconomic, not mental or physical, disadvantage. Mentally and physically handicapped children may face a lifetime of bias and stereotypes and, even when raised in more affluent circumstances, still largely be unable to determine their own life path.

This objection is reasonable. Theoretically, mentally and physically handicapped children are included within the definition of disadvantaged children *if* their parents are unable to provide them with the education, healthcare, and other resources necessary to overcome their handicaps. That said, from a practical standpoint, the focus on socioeconomic status will largely prevail due to the sadly pragmatic reason of resources.

As stated elsewhere in this dissertation, we live in a world of limited resources, and it is important to deploy them justly. Unfortunately, mentally and physically handicapped children may need a tremendous amount of already scarce resources, especially in the world's least developed nations. As a result, it may simply be more practical to deploy these same resources to help less resource intensive children (e.g., primary education for 20 children as opposed to 1 year of healthcare for an especially ill child).<sup>24</sup>

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<sup>23</sup> There is, of course, a balance. It is also important not to lose sight of the fact that these are children, and it is not ideal to have the stereotypes that come with terms like 'disadvantaged children'. Still, there are more effective ways to eliminate these biases than by eliminating the language. Education and information campaigns are two such examples.

<sup>24</sup> Unfortunately, this sounds far more callous than it is intended to be, and this dissertation does not advocate providing no care to the handicapped or letting them suffer. It is simply highlighting the very real constraints of the world in which we operate, and under such circumstances, suggests it may often – but by no means always – be better to deploy those resources to help a larger number of children than to concentrate them upon a single individual.

### VIII. Who are the individuals with obligations to help them?

Having established earlier in this chapter that the world contains a large number of disadvantaged children, Chapters 6 and 7 provide detailed arguments on why it is our obligation to help them. But who, exactly, is this ‘our’? In other words, in the statement ‘We have a moral obligation to extend an equality of opportunity to all children’, who is the ‘we’?

The ‘we’ is all adults. While the capacity to help may vary by individual obligor, the obligation to assist in extending an equality of opportunity to all children does not.<sup>25</sup> The remainder of this chapter will examine how these obligations are currently being fulfilled and why that solution is neither sustainable nor fair.

To first address the obvious, many theorists argue it is the government’s responsibility to assist the disadvantaged. This idea is based on the concept of rights, in which the government is the guarantor, and will be discussed at length in Chapter 4. The remainder of this chapter, however, will concern itself with non-governmental remedies.

#### Extended family

Traditionally, disadvantaged children have been assisted by the child’s extended family. Aunts, uncles, and grandparents may help with school fees or clothes. In more serious cases, such as sub-Saharan Africa, 90% of single and double orphans<sup>26</sup> live with their extended family (UNICEF 2006: v). Yet such a system is simply not sustainable. In Africa alone, there are currently 50 million abandoned and orphaned children, a number that may rise to 100 million within the coming years (African Child Policy Forum as cited by *The Economist* 2009b). In 2005, for example, orphans comprised 20% of the total number of children in Zambia, meaning that in a population totaling 11.7 million, 1.2 million were orphans (UNICEF 2006: 3). Although shocking, such numbers are not atypical. Furthermore, it means current remedies are simply not sustainable.

Because of the sheer number of these children, Africa’s (to examine only one such example) traditional ways of absorbing them into extended families and communities is unraveling, and an increasing number of households are headed by children (*The Economist* 2009b). In order to survive, the girls often go into prostitution while the boys become involved with drugs and crime

<sup>25</sup> Chapter 11 provides an overview of how these obligations can be fulfilled practically.

<sup>26</sup> Single orphans are defined as children who only have one living parent while double orphans are defined as children who have no living parents.



(ibid). In fact, some think as many as 10 – 20% of Africa's children may be disabled, although the number is difficult to verify since such children rarely go to the hospital or to school (ibid).

In addition to the sheer unsustainability of the current system, it does not always work as well as its supporters portray. As a result, the perception of a society's ability to care for vulnerable children and society's actual care for those children may be markedly different. For example, Skinner and his colleagues (2004: 9) note while many declare African culture to prioritize care for the vulnerable, the reality is quite different as the legions of street children and child-headed households attest. In truth, some communities ostracize children left orphaned by parents who died of HIV/AIDS (Human Rights Watch 2005: 37). Family members may do so as well. In fact, Human Rights Watch (2005: 24) has documented cases of extended family members refusing to help nieces and nephews left orphaned by HIV/AIDS.<sup>27</sup>

#### *Who should render assistance to disadvantaged children?*

In response, some advocates argue that communities need to be educated on their role and responsibility in caring for disadvantaged children (Davids & Skinner 2006b: 83). Without that, the task of caring for them is much more difficult (Davids & Skinner 2006b: 83-84). Yet such an approach seems to, at best, only partially address the issue.

As stated elsewhere, the communities that surround these children are generally already rendering the most assistance they can given their thin resource bases. In sub-Saharan Africa, for example, Human Rights Watch (2005: 41, 48) observes community-based organizations (e.g., churches, local NGOs), often using donations from people living in these impoverished places, providing the most assistance to AIDS-affected children. Combined with the expected rise in the number of disadvantaged youth, it is counterintuitive to argue these communities must carry an even greater burden of assistance.

Instead, as Chapters 6 and 7 argue, it is everyone's responsibility to care for these children, and living far from communities with these needs does not render the obligations moot. Living outside the community may mean that obligors will need more information on how to best render assistance, but this is a rather practical point that can be easily overcome (see Chapter 11).

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<sup>27</sup> Such examples are why the institutional care of children is sometimes necessary, an idea explored in greater depth in Chapter 8.



Unfortunately, those in more affluent circumstances are doing little to help. Pablo Eisenberg (2009) reports:

Several academics have estimated that not more than 3% to 5% of all foundation money goes to organizations serving the poor, people of color, women and children at risk, gays/lesbians, disabled and troubled youth—almost 50% of the American population. Though universities and colleges, hospitals, museums and arts groups devote a small part of their budgets and programs to these constituencies, their contribution lifts the percentage of philanthropic dollars spent for this purpose to no more than 12% to 15% of the total. This is hardly a fair and equitable distribution of funds.

Individual wealthy donors apparently are even stingier in their giving to poor and disadvantaged populations. A look at the Chronicle of Philanthropy's annual list of the 50 most generous individual donors, a list compiled by Indiana University's Center on Philanthropy of contributors who gave more than \$1 million to individual causes, and a study issued in late 2007 by the Institute for Jewish and Community Research in San Francisco of 8,000 large donations made in 2001-03 all show that universities and colleges, medical organizations, and arts and cultural institutions received the overwhelming amount of that money. Poor people and local grassroots organizations received a few crumbs.

The fact that wealthier people give relatively little to the poor living in either their nation or in other nations is explored in greater detail in Chapter 11. For the purposes of this chapter, it is important to note that Chapters 6 and 7 provided in-depth arguments for the incurrence of these obligations by almost all adults. Chapter 6 extensively argues proximity is not relevant to the incurrence of the obligation, which means the world at large, and not only poor communities, are responsible for assisting disadvantaged children.

There are, of course, cases where an individual may not incur these obligations, which is why the term 'almost all' and not 'all' is used. For example, pedophiles should not work with children's organizations. Less extreme but still serious would be those who are institutionalized or homeless themselves. The poor, however, do not fall into this category of exemption.

To be clear, it is recognized that the capacity to provide the assistance necessary to ensure an equality of opportunity for disadvantaged children varies by individual (e.g., the wealthy can give more simply because they have greater funds). As a result, some would argue the poor themselves are exempt, yet such an argument is refuted both by empirical observation and moral

argument. A study on impoverished southern Africans' giving patterns found the poor devoted sizeable time and resources to helping each other (Wilkinson-Maposa et al., 2009). Thus, not only do the poor help, but this assistance should be valued since, by being so close to the issue, they may have the insight necessary to devising and implementing effective solutions.

There is also the insidious human proclivity to consider oneself exempt from such obligations even while agreeing with the general principle behind them. Acknowledging Immanuel Kant, Ernest Gellner (1983: 2, emphasis in the original) asserts, '...the tendency to make exceptions on one's own behalf or one's own case is *the* central human weakness from which all others flow'. Incredulously given the amount the impoverished spend to help others in their communities, those in more affluent circumstances who are further away from such need (refer to the discussion on vividness in Chapter 11) will consider themselves in no position to render assistance. The issue is often not that people no longer regard the disadvantaged as meriting assistance (they do) but that more people consider themselves in that disadvantaged category (Callahan 1981: 19). However, this is often a matter of education and information and will be addressed in Chapter 11.

## Children's Rights and the Inadequacy of the State in Protecting Them

### Chapter 4

Chapter 3 provided the definition and characteristics of disadvantaged children and detailed how many of them are failing to receive external assistance. Yet the calls for governments to intervene to alleviate the issue continue, and these calls are often formed and discussed in the language of rights. While Chapter 7 addresses why institutions (and, by extension, the government) are not the only – or even primary – means through which to assist disadvantaged children, this chapter addresses the practical aspects of government intervention. The first part provides a history and description of rights while the second half discusses how and why governments have failed in fulfilling them.

#### **I. An introduction to the concept of rights**

The concept of rights inherently means we anticipate some type of interpersonal conflict, for if there was no conflict or resolutions to conflict were simple, the need for rights would not exist (Buchanan 1982: 76). Furthermore, rights are deemed necessary because individual interests and social utility often diverge, and clarification of rights can assist in determining whose interests take precedence (*ibid*).

The first part of this chapter provides a detailed overview on rights and is divided into three sections, with each one becoming more specific. The first part discusses the general notion of rights while the second delves into the more specific concept of human rights. Finally, the last part explains a subcategory of human rights known as 'children's rights'. Gaining a proper understanding of what these rights entail will then allow us to address their weaknesses.

#### **II. The general notion of rights**

Lief Wenar (2007) observes 'we encounter assertions of rights as we encounter sounds: persistently and in great variety'. As a result, 'the analysis of the concept of right [in the sense of entitlement, not moral judgment] is, of course, a complex and controversial task' (Buchanan 1982: 75). Thus, before exploring the concept of human rights and their effectiveness, it is important to first understand the general concept of a right. Laying this foundation will then allow us to better understand how the language of rights functions.

In the most basic sense, ‘rights are entitlements (not) to perform certain actions or be in certain states, or entitlements that others (not) perform certain actions or be in certain states’ (Wenar 2007). As a result, ‘if a person conceives of himself as a bearer of rights, he conceives of himself as having a valid or legitimate claim or entitlement to something – either to be treated in certain ways or not to be treated in certain ways’ (Buchanan 1982: 75). In other words, a person who holds a right thinks of himself as being able to demand something instead of merely request it (Buchanan 1982: 75).

There are different ways to (de)construct and analyze rights, and one of the simplest and most popular is the Hohfeldian Analytical System. Using this system, Wesley Hohfeld argues rights contain four basic components known as ‘Hohfeldian incidents’ (Wenar 2007). Two of them, Privileges and Claims, comprise what are considered ‘primary rules’, meaning they require people either to perform or refrain from performing particular actions (ibid). The other two, Powers and Immunities are termed ‘secondary rules’, meaning they allow agents to present, revise, or dismiss primary rules. (ibid). Each of these incidents will be examined in turn.

#### Privileges or liberties

Under the first incident, Privileges or Liberties, to say one has a right to do something is only to say one has no duty not to do it (ibid). This incident is expressed as ‘A has a privilege to  $\phi$  if and only if A has no duty not to  $\phi$ ’ (ibid). This is generally considered the simplest incident.

#### Claims

The second type of incident, Claims, involves other people. To say a person has a claim on someone else to do something is to say the second person has a duty to perform a particular action for the first one (ibid). This is expressed as ‘A has a claim that B  $\phi$  if and only if B has a duty to A to  $\phi$ ’ (ibid). As a result, claim rights can function either to say their holders should be free from external interference or they should be free from certain states such as hunger or ignorance, with the latter meaning they have a claim to education (ibid). However, as shown by the fourth incident (discussed below), those holding immunity rights are free from external control and authority (ibid).

#### Powers

The third type of incident is Powers. A power allows an agent to alter primary rules, meaning that agent can alter either his own or another’s privileges or claims (ibid), and can be expressed

as ‘A has a power if and only if A has the ability within a set of rules to alter her own or another’s Hohfeldian incidents’ (ibid).

### Immunities

The final incident is known as Immunities. When one agent cannot alter another agent’s Hohfeldian incidents, the latter has an immunity (ibid). These incidents can be expressed as ‘B has an immunity if and only if A lacks the ability within a set of rules to alter B’s Hohfeldian incidents’ (ibid).

### The relationship between the incidents

The incidents can be arranged to show certain relationships between them, including ‘opposites’ and ‘correlatives’ (ibid). For example, if A has a claim, then B has a duty (ibid). When discussing human rights, this is translated to individuals’ claims and governments’ duties. For instance, an individual’s right to food means that individual’s government has a duty to provide the individual with food. This is because governments are widely considered the guarantor of rights (see Section IX) and thus have the duty to fulfill them.

Such an example highlights why the concept of rights is often useless when discussing moral obligations. While the concept of rights is adept at describing one individual’s obligation to another individual or one group’s obligations to another group (which can then be fulfilled through representatives on both sides), rights are not equipped to explain imperfect obligations. Although Chapter 9 provides more detail, trying to address an imperfect obligation under a rights framework would involve taking an individual’s claim and a group’s duty and trying to match them, something a rights framework is not equipped to do. Thus, as detailed in the next section on human rights, the type of entities on each side (e.g., individuals, groups) generally must match in order to be properly addressed using the language and framework of rights.<sup>28</sup>

## **III. The concept of human rights<sup>29</sup>**

Jim Ife (2001: 1) observes ‘the idea of human rights is one of the most powerful in contemporary social and political discourse’. In light of such an observation, it is unsurprising that the concept

<sup>28</sup> In terms of human rights, the institution of citizenship or idea of humanity lays claims to the institution or idea of government.

<sup>29</sup> Although many contend that both animals and humans have rights, this discussion on rights, human rights, and children’s rights focuses only on humans. Animal rights are not relevant since this dissertation focuses on children. Furthermore, because it would be difficult to reason with chimpanzees as to why they, too, should help children, I assume the only beings responsible for the duties correlative to children’s rights are also humans or entities run by humans (e.g., government).

of human rights is seemingly invoked in all discussions of the disadvantaged and the interactions between states, people, and political conflicts. This section will begin with an abbreviated history of human rights before examining the philosophical basis of the idea, its formal definition, and the conventions and treaties in which it is invoked. It will conclude with an examination of the practical aspects of the concept.

### *An abbreviated history of human rights*

There are a variety of theories about where the idea of human rights arose, but among the earliest documents containing this idea is the Code of Hammurabi, written around 1780 B.C., which recognized the rights of certain classes of individuals (Kent 2005: 25). Jumping forward almost 3,000 years, the Magna Carta, which was based on the Charter of Liberties issued by Henry I in 1100 A.D., was signed in 1215 (ibid). Some experts consider this to be the first major rights document, and it sought to limit the power of the monarchy within the state (ibid).

During the 17<sup>th</sup> and 18<sup>th</sup> centuries, the Enlightenment occurred, and Robert Louden (1983: 88) contends a survey of the literature shows modern society's emphasis on rights grew out of this (relatively) recent Western attention to the equal worth and freedom of individuals. Governments began to take notice. Through its 1776 Declaration of Independence followed by the 1787 Constitution and 1791 Bill of Rights, the United States became one of the first nations to explicitly recognize human rights, although these were domestic rights, not the international ones with which the term is now associated (Kent 2005: 25-26). In part inspired by the United States, France approved the Declaration of the Rights of Man and of the Citizen in 1789 (26).

Unlike Louden, George Kent argues the concept of human rights as currently understood, meaning certain rights that apply to all people everywhere, originated in the antislavery movements in the nineteenth century (26). The horrors of World War II and the Holocaust increased the need for the formal recognition and legislation of these rights internationally and thus resulted in the signing of the 1945 Charter of the United Nations and unanimous approval of the 1948 Declaration of Human Rights (26, 28).

Since then, the recognition and prominence of rights has continued to grow. Rights, initially conceived only in terms of what we now label 'negative rights',<sup>30</sup> were originally established to provide liberty to people within a community by limiting the power their ruler or government

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<sup>30</sup> Negative rights are freedoms; in other words, they prevent other agents from performing certain acts.

could exercise over them (Mill 2005: 5). However, they have since expanded to include social rights, economic rights, and cultural rights. In fact, rights have expanded so rapidly that many critics argue against this ‘right’s inflation’, a concept explored later in this chapter.

Before discussing the philosophical basis of rights, it is important to note how deeply the rights movement has penetrated mainstream culture. The rise of the visual media, social entrepreneurship, international NGOs, and education that has increased general world awareness have increased not only a knowledge and understanding of rights but also an understanding of the plight of others and violations of their rights. The language of rights has become not only a political language but a mainstream one as well.

#### *Philosophical underpinnings of rights*

Interestingly, despite the widely used language and invocation of rights, various moral theories have fundamentally different views of the concept. Some justifications for the use of rights are based on Rawls’ theory of justice (Freeman 1992b: 32, 37-39). Yet this is not the only view. Utilitarianism, for instance, derives rights from utility while deontology derives rights from duties (Louden 1983: 89). Rights-based theories, however, view rights as fundamentally irreducible and thus derive duties and obligations from rights (which is different from other theories that derive rights from duties and obligations) since morality is, on this view, fundamentally about rights (ibid). This argument of basing morality on the concept of rights is founded upon the belief that rights best guard the dignity and worth of individuals (Dworkin as cited in Louden 1983: 90). David Johnson (1992: 112) encapsulates this idea when he writes, ‘cultural differences notwithstanding, there is after all an irreducible core of common experience and concern in all human lives. This may be especially true if human rights are thought of not in positive terms – i.e. what they might add to enrich the human experience – but rather in negative terms – i.e. that they attempt to curb pain and suffering’.

Yet the philosophical underpinnings of human rights are largely controversial, and this will be explored in a later section on criticisms of human rights. For now, the next section will provide the definition of human rights.

#### *Definition of human rights*

It is important to understand not all rights are human rights (Kent 2005: 80). Instead, human rights are distinguished from mere rights since the former are universal and ‘about matters essen-

tial to human dignity'<sup>31</sup> (ibid). In fact, many rights that people claim cannot be justified based on human rights, an important distinction since human rights make stronger claims than other rights (Ife 2001: 10).

It is also important to understand the context in which human rights are invoked. When addressed in national law, rights are considered to be civil or constitutional rights (Nickel 2006). It is only when they are discussed within the context of international law that rights are considered human rights (ibid). Given these constraints, human rights should be understood as a subset of rights (ibid).

Human rights can be defined as 'international norms that help to protect all people everywhere from severe political, legal, and social abuses' (ibid). These rights 'belong to all people, regardless of national origin, race, culture, age, sex, or anything else' (Ife 2001: 8) With certain exceptions (e.g., the restricted rights of convicted prisoners or special classes of rights such as children's rights that do not apply to all people), human rights are bestowed upon individuals simply because they are human (Kent 2005: 65). Rights are generally addressed to and by governments, meaning it is the state's responsibility to ensure rights' compliance and enforcement,<sup>32</sup> a critical weakness that will be discussed in greater detail later in this chapter (Nickel 2006).

Human rights exist in both morality and law (ibid). Moral rights often extend from our deep personal convictions of the way things ought to be while legal rights are part of domestic or ratified international law (Kent 2005: 82). In fact, many of what are now considered legal human rights began as moral human rights (ibid), with a moral right becoming a legal right through the legislative process (83). However, in most political and common discourse, people refer to legal human rights, not moral ones (ibid).<sup>33</sup>

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<sup>31</sup> Invoking the concept of 'dignity' is always fraught with issues since its meanings are varied and generally unclear. According to Adam Schulman (2008: 12), in 20<sup>th</sup> century constitutions and international declarations, the word 'dignity' appears to simply serve as "a placeholder for 'whatever it is about humans that entitles them to basic human rights and freedoms,'" and these documents do not attempt to ground the term 'dignity' within any larger idea (13). For example, despite referring to it, the Universal Declaration on Human Rights does not define dignity (Mann 1998: 31).

<sup>32</sup> George Kent (2005: 93) conceives of human rights as entitlements people have to certain types of government action.

<sup>33</sup> This fact is quite regrettable, for it seems far more high-minded to ask, 'What ought we to do?' instead of 'What are we legally required to do?'.



*Human rights in conventions and treaties*

There are three generations of human rights: (i) civil and political rights, (ii) economic, social, and cultural rights, and (iii) group or peoples' rights (Hodgson 1998: 71). Interestingly, the first generation of rights constrains the state's involvement in what individuals can do while the second generation (i.e., economic, social, and cultural rights) demands that the state perform certain actions or provide certain things for eligible individuals (72). The widespread acknowledgment and acceptance of human rights means they often serve as the foundation for a variety of treaties and conventions. Thus, even while many theorists contend the universal concept of human rights does not exist – a point that will be addressed later in this chapter – there are many international conventions on human rights, some of which have been adopted unanimously, including the *Universal Declaration of Human Rights* and the *Convention on the Rights of the Child* (Johnson 1992: 112). These conventions recognize certain rights of individuals and place obligations on the state to protect those rights (Wolf 1992: 125). Interestingly, because of the establishment of institutions such as the International Criminal Court, all states are now bound by the customary rules of international law that protects human rights, even if they have not signed the appropriate conventions (Pellet 2000).

The foremost document about human rights is, unsurprisingly, the *Universal Declaration of Human Rights*, which was born in the aftermath of World War II. It lists over two dozen specific human rights that are divided into six families: (1) security rights, (2) due process rights, (3) liberty rights, (4) political rights, (5) equality rights, and (6) social/welfare rights (Nickel 2006). The inclusion of social rights, including the rights to employment, healthcare, food, and education, requires states to fulfill these provisions to the greatest extent their resources allow and made the document more acceptable to socialist states (Messer 1997: 296). Founded upon Marxist-socialist and welfare state conceptions, such rights are based on the idea that a state must not only protect its citizens from the unjustified use of force but also ensure adequate living standards for them (ibid).

While an enlightened view of the *Universal Declaration of Human Rights* views civil/political and economic/social rights as interdependent,<sup>34</sup> most states tend not to interpret them as such (297). Some countries, including the United States, focus on civil and political rights and pay signifi-

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<sup>34</sup> Substantial debate exists over whether civil/political and economic/cultural rights are truly that contrastive (Kent 2005: 45). George Kent (2005: 45) argues they are not different since 'all rights involve questions of justifiability, entitlement, resources, and so on...[and] all involve government obligations to respect, protect, facilitate, and fulfill, though perhaps to different degrees'.

cantly less attention to economic and social ones (ibid). Furthermore, NGOs such as Amnesty International and Human Rights Watch exclusively focus on these types of rights (302). Other countries, such as China, emphasize social rights while either ignoring or blatantly disregarding civil and political ones (297). Yet both are needed. A person's basic needs such as food, shelter, and education must be met in order to properly focus on full participation in civil and political life, a concept further explored in Chapter 5.

While the convention on the *Universal Declaration of Human Rights* brought widespread attention to these types of rights, treaties such as the International Covenant on Economic, Social, and Cultural Rights, European Social Charter, and the Protocol of San Salvador (1998) enshrined them in international law (Nickel 2006). The best known among these is the International Covenant, and under this treaty, economic, social, and cultural rights are to be realized progressively (ibid). Unfortunately, compliance with this covenant has been weak, and it lacks processes to receive and investigate complaints of economic and social rights violations (ibid). In fact, even if the rights found in this treaty had been treated as mandatory immediately and not to be progressively realized, compliance still would have been weak since more than half of the countries did and do not have either the economic or institutional resources to meet their goals (ibid).

#### **IV. Children's rights**

The *Universal Declaration of Human Rights* (1948: Article 25) declares childhood is 'entitled to special care and assistance' and 'all children...shall enjoy the same social protection'. However, children's rights, including their definition and philosophical grounding, remain substantially controversial within the philosophical community. Largely considered a subset of human rights, children's rights are enshrined in international law, including the United Nations' *Convention on the Rights of the Child* (Archard 2006). Advocates of children's rights argue children's humanity and youth justifies considering their rights separately from adult or human rights (ibid). Yet while children's rights are recognized by the legal system, they are not necessarily recognized by society at large (de Langen 1992: 262), primarily because children's legal rights can be distinguished from their moral rights (Archard 2006).

While many people argue children's rights should be incorporated into domestic and international law, critics often counter children's moral rights can be protected by means other than legislation (ibid). However, theorists presenting these criticisms generally still believe adults have

moral duties to help children grow into physically and emotionally healthy adults (ibid). The next subsection will examine the history of children's rights.

### History of children's rights

The idea of children's rights arose far more recently than that of human rights. Early English law, for example, noted children only for their agency in distributing family property (Eekelaar 1986: 163). This legal treatment was not atypical. Still, in the late 19<sup>th</sup> century, these ideas began to change. For instance, although children had traditionally been considered the property of their parents, who could treat them as they wished, the Netherlands introduced laws at the end of the 19<sup>th</sup> century that protected the children against parental abuse, child labor, and the withholding of education (de Langen 1992: 255). In fact, as the general public became concerned with children's welfare, they began investing in the state powers to deprive parents of custody when necessary, and this state interference grew significantly in the twentieth century (ibid). Likewise, England, in response to changes wrought by the Industrial Revolution, also enacted laws to protect children from cruelty in the late 19<sup>th</sup> century (Eekelaar 1986: 169).

In the aftermath of World War I, international organizations began discussing human rights, although children's rights were initially not distinguished from adults' rights in these conversations (UNICEF 2009b: 4). However, in 1924, the fifth Assembly of the League of Nations adopted a declaration of children's rights that focused on meeting the material needs of children (Freeman 1992a: 4). That year saw the signing of the Geneva Declaration on the Rights of the Child, which established 'children's rights to means for material, moral and spiritual development; special help when hungry, sick, disabled, or orphaned; first call on relief when in distress; freedom from economic exploitation; and an upbringing that instills a sense of social response' (UNICEF 2009b: 2). As stated in the previous section, the aftermath of World War II quickly focused attention on human rights in general, and children's rights were not overlooked. In 1948, the *Universal Declaration of Human Rights* was drafted, and Article 25 refers to childhood being a unique time that requires special assistance (ibid).

In 1959, the United Nations General Assembly adopted the *Declaration of the Rights of the Child*, an updated, expanded version of the 1924 document. This short, non-binding resolution outlines ten principles regarding children's rights and freedoms, including rights to education, healthcare, and non-discrimination. Its preamble asserts a 'child, by reason of his physical and mental imma-

turity, needs special safeguards and care'. Yet critics contend the document is rather vague and 'little more than a proclamation of general principles' (Freeman 1992a: 4).

Importantly, the Declaration was the first international convention to employ the concept of 'the bests interests of the child', although as with 'dignity' in the *Universal Declaration of Human Rights*, its definition is unclear. Yet many theorists do not find this problematic. Joachim Wolf (1992: 126) simply uses the Declaration's second principle to interpret the concept of 'best interests' to relate to the child's healthy overall development. George Kent (2005: 85) goes even further, contending international law is not supposed to give detailed definitions of terms such as this. Instead, such details should be interpreted according to local standards, although it is possible that global norms may evolve over time (ibid). Melissa Stobie, Ann Strode, and Cathy Slack (2005: 199) argue along similar lines, suggesting although 'best interests' is a relatively undefined term, courts may be able to use it to establish codes of ethical behavior.<sup>35</sup>

The period between 1959 and 1989 saw a growing consciousness about the rights of children, although certain things, including child abuse (in 1979, the UK Parliament twice failed to pass a bill that would make it illegal to beat physically and mentally handicapped children), were still permitted (Freeman 1992a: 4). During the 1960s, the liberationist movement advocated the cause of children's autonomy, and this shifted the focus 'from protection to autonomy, from nurturance to self-determination, from welfare to justice' (3). In 1966, the International Convention on Civil and Political Rights and International Covenant on Economic, Social, and Cultural Rights, both included clauses related to children's protection and education (UNICEF 2009b: 3). A few years later, in 1973, the International Labour Organization adopted a convention declaring certain hazardous jobs to be unsuitable for those below 18 (ibid).

1979 was declared The International Year of the Child, and this event eventually led to the drafting of the landmark *Convention on the Rights of the Child*, which was adopted unanimously by the United Nations General Assembly in 1989 (3-4). This document resulted from ten years of global negotiations between governments, inter-governmental bodies, and NGOs, with the most intense negotiations surrounding freedom of religion, international adoptions, abortion, cultural practices harmful to children, and children's obligations towards their parents (Johnson 1992:

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<sup>35</sup> It should be noted the principle has thus far shown mixed results in South African courts (Stobie, Strode, & Slack 1995: 200).

95). It was only because every provision was written based on consensus that it was universally adopted (ibid).

The Convention, which, although adopted in 1989, was not ratified until 1990, is the first international document to recognize children's independent human rights (Wolf 1992: 130).<sup>36</sup> It 'outlines universal standards for the care, treatment, and protection of all individuals below age 18' (UNICEF 2009b: 1), in part by piecing together children's civil, political, economic, social, and cultural rights found in earlier discussions and international documents (Kent 2005: 32). As the most comprehensive treaty on children's rights (UNICEF 2009b: 2, 6), it is based on the following four principles:

- *Non-discrimination* (Article 2), which asserts all children hold the rights described in the convention (6);
- *Best interests of the child*, which requires governments, institutions, and other entities to understand how their actions will impact children (8);
- *Right to life*, which is primarily interpreted as having access to adequate nutrition, sanitation, education, and healthcare (9); and
- *Respect for the views of the child*. This principle is divided into 2 areas. First, governments must seek children's views on all matters that affect them (ibid). Secondly, children have the freedom to expression, religion, and association as well as access to information (ibid). To clarify, respect for a child's views does not mean children have the right to participate but only that their views must be sought (32).

Under the Convention, states are the primary guarantors of children's rights and legally obliged to ensure them (UNICEF 2009b: 2). However, parents and guardians are also encouraged to do so (*Convention on the Rights of the Child* Articles 5 & 27(2)). Interestingly, the rights of children are so important that UNICEF (2009b: 70) argues all adults who are capable have a responsibility to ensure their fulfillment.

Supporters of the Convention cite its widespread ratification (which makes the document legally binding) as proof of its extensive support, noting only two nations – Somalia and the United

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<sup>36</sup> Some experts clarify that the document details the state's duties to children, not the rights of the child (Verhellen 1992: 83), although given states are the guarantor of most rights, the distinction between these two ideas remains unclear.

States – have not ratified it, although both of them have signed the treaty.<sup>37</sup> Furthermore, these supporters note the document serves several functions. First, it acts as a legal instrument, conveying state's obligations to the children living within their borders (67). Secondly, it serves as a framework for countries tackling these issues (ibid).<sup>38</sup> Next, it is an ethical statement, prescriptively declaring how children should be treated (ibid). Finally, it serves as the basis for the children's rights movement and cooperation among entities tackling child-related issues (ibid).

Yet criticisms of the Convention abound. First, the document embodies the tensions within the concept of children's rights (Freeman 1992a: 5). For example, while Article 12 promotes children's autonomy, Article 3 declares our primary consideration to be the child's best interests (ibid), and these two are often at odds.<sup>39</sup> Secondly, although the document is legally binding, its prescriptive vision remains largely elusive in most countries, particularly in the developing world. This reality has two causes: (1) a lack of resources, which is discussed elsewhere in this dissertation,<sup>40</sup> and (2) a lack of accountability, which means although the document's second part contains mechanisms to enforce its provisions, it has proven incredibly difficult to do so. In other words, although a country may be legally bound to the document, there are no strong procedures to ensure it does so, especially in countries with poorly functioning legal systems. Finally, and this is almost farcical, the Convention extends rights to children that adults in many countries lack. Children are provided with rights to freedom of expression and opinion (Article 13), thought and religion (Article 14, although this article contains a large caveat for religion on countries with state-imposed ones), association and assembly, and freedom from 'arbitrary or unlawful interference' (Article 16) and unlawful or arbitrary arrests (Article 37), all of which adults in many nations lack. Furthermore, provisions on the right to education (Article 28) and

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<sup>37</sup> George Kent (2005: 97) argues although Somalia and the U.S. have not ratified the treaty, children in those countries still have those rights. By not signing the treaty, those governments have only said that they are not legally committed to protecting these rights (Kent 2005: 97). Kent proceeds to argue the rights, by definition, still exist (ibid).

<sup>38</sup> For example, in 1999, the *African Charter on the Rights and Welfare of the Child*, a document adopted by the Organisation of African Unity and its predecessor, the African Union, entered into force. This document serves as a reaction to the Convention of the Rights of the Child since many African nations felt the Convention did not align with Africa's cultural values and economic situation (Diemer 2006: 43). It has been adopted by 45 of the continent's 53 countries and confronts the continent's stance on child marriage, parental rights, and parental treatment of children (The African Child Policy Forum 2006: 7).

<sup>39</sup> A rather trivial example is a child who wants to eat ice cream for dinner. Autonomy dictates the child will eat ice cream. Acting in the child's best interests, however, dictates they eat food that is more nutritious, even if this overrides the child's desires.

<sup>40</sup> Article 20, for instance, obliges the state to care for children 'temporarily or permanently deprived of his or her family environment', a provision that, if enforced, would overwhelm resources in countries such as Kenya and Ethiopia.

the protection of those seeking refugee status (Article 22) are routinely flouted even in middle-income countries like South Africa.

Still, building upon the Convention, in 1999, the International Labor Organization adopted a convention to eliminate the worst forms of child labour (UNICEF 2009b: 4). A year later, the United Nations General Assembly adopted two additional protocols to the Convention of the Rights of the Child, one involving children in armed conflict and the other addressing child trafficking as well as child prostitution and pornography (5). In 2002, for the first time, the Assembly met specifically to discuss children's issues (ibid).

## **V. The beneficial aspects of rights**

While the previous sections show the widespread popularity of human and children's rights, they remain significantly problematic. Yet they are not unmitigatedly so, and this section will examine a few of their benefits.

As discussed elsewhere, the most important contribution resulting from the rights movement is the common framework and language it has provided to address people's wide variety of needs. It has allowed stakeholders as diverse as governments, multinational corporations, NGOs, and citizens to discuss issues involving security, oppression, poverty, and cultural status. This language has allowed these groups to identify issues' causes and find solutions to civil unrest and extreme poverty, among other areas, especially since the language is applicable to both the rights' holders and their obligors. The importance of this should not be underestimated.

Furthermore, the dominance of the rights framework in diplomatic circles has increased the overall focus on the plight of others. Situations that may once have been considered unrelated (e.g., child labor in South America and low school attendance rates in Africa) can now be identified through a common mechanism, which has increased the awareness of the number of children affected by poverty and war, among other catastrophes. As the number of children affected by such events has increased, the worldwide media is focusing greater attention on the issue since 10 million children in terrible plights is perceived to be a greater news story than one containing only 100,000. These larger numbers create a virtuous cycle of attracting funding and thus allowing for an even greater awareness of the issues as more children are identified.



These first two benefits have combined to create a third one: the ability of everyday citizens to call attention to and demand alleviation from injustice. Because the language of rights has permeated so deeply into the culture and people are far more aware of how their situation compares to others, they are able to escape the ‘fragmentation and isolation’ of their individual situations by adopting the language of rights (Dagnino 2007: 62). The ability to gain this kind of political voice is important in standing against oppression and poverty.

## VI. Criticisms of rights

Despite these undoubted benefits of rights, they remain deeply problematic and are not the panacea to the world’s problems their supporters claim them to be. In fact, while many people make strong claims based on human rights, they often receive skeptical responses and counterarguments (Nickel 2006). This section will explore some of the drawbacks of the concept of human rights, particularly highlighting those areas in which they are inappropriate in creating an equality of opportunity for children.

### Lack of philosophical and empirical underlying support

Amartya Sen (2009: 357, emphasis in the original) describes rights as ‘strong ethical pronouncements as to what *should* be done’, noting they have ‘distinct political content’ (359). This may, in part, explain their widespread use. However, despite their incredible popularity, the concept of rights has no solid, underlying support. Sen notes the inconsistency between the widespread invocation and emphasis on human rights and the general philosophical agreement that these rights tend to lack solid intellectual foundations (355). Although the concept of human rights is an attractive idea and has, in some cases, engendered laudable results (ibid), this lack of solid philosophical foundation is troubling.

Many rights supporters contend we have rights *because we just do* (e.g., people have rights in light of being human), which is hardly a logical claim. The rights movement gives a language to an intuitive sense that everyone should have access to certain basic necessities and it is imperative on the government to ensure this, yet this intuitive sense has never been logically reasoned.<sup>41</sup> While this is a rather strong statement, it is widely recognized as true within the philosophical community.

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<sup>41</sup> Some theorists recognize this. For example, James Nickel (2006) recognizes human rights theory has not yet shown how the rights of people in one country create legal and moral duties on both other governments and individuals living in other states.



Yet it could still be the case that what is lacking philosophically can be true empirically. In other words, we can observe that something works without fully understanding why it does so. This is often observed in the sciences. For example, a pharmaceutical drug may cure a patient or alleviate her symptoms without doctors knowing the reason and processes behind such an outcome. In a similar vein, we may observe that the concept of rights works without finding any theoretical support for it. Yet, as the latter part of this chapter will explain, such observations do not hold.

*The automatic resort to rights despite the lack of empirical support*

Despite a lack of empirical support, most activists, governments, and NGOs automatically resort to rights claims as the best way to present and solve issues. Such behavior represents a rights cult of sorts found in too many NGOs and liberal causes. Yet rights are not always the only – or even the best – solution. For example, poverty alleviation programs are often couched in the language of rights. In fact, in a report on poverty reduction, UNICEF (2000: 4) argues ‘without the realization of all children’s rights, poverty cannot be reduced’. However, it is not obvious this is true. While it is possible the ideas collectively called ‘children’s rights’ (e.g., education) are necessary to reduce poverty, it is empirically false to state that the formal recognition of children’s rights is necessary to reduce poverty. For instance, no strong culture of rights, particularly for children, existed until after World War II, yet poverty as percentage of the global population declined dramatically in the last 150 years (see Maddison 2007). In another example, the FAO’s report on global food insecurity in 2009 explicitly linked the success of Brazil’s food security program with the existence of a right to food (FAO 2009: 45). Yet a right to food and the level of food security in a nation are not always intertwined. The United States, for example, has a strong social safety net for food security despite no formal recognition of a right to food. On the other hand, South Africa, a country with a right to food enshrined in its constitution, has significant food insecurity.

Such examples highlight a common theme in sociological literature. The argument tends to unfold as follows: People have rights. The state needs to protect these rights. We need to ensure the state protects these rights and hold it accountable should it fail to do so because this is the best way to ensure the end goal (e.g., food security) is reached.

Yet is that the best way? The latter part of this chapter will present a series of philosophical and empirical claims that prove an affirmative answer to the question would be incredibly problem-

atic. For now, it is important to note that even Iain Byrne (1998: 1), who appears to advocate the approach outlined above, acknowledges that taking action against a state failing to uphold these rights ‘can often take years and there may be little or no remedy for the victim at the end of the process’.

#### *Rights are minimal standards*

Human rights are minimal standards as opposed to ideals so that they may accommodate cultural and institutional variations (Nickel 2006). Yet this makes them all the more inappropriate for creating an equality of opportunity for children. Creating true equality of opportunity for all children is an ideal, and it thus seems inconsistent to base it on a measure concerned with achieving a minimum. As a result, it is more appropriate to use a standard consistent with the ideal, which Chapters 6 and 7 seek to do.

#### *Rights are legal, not moral, concepts*

Although some argue for a value system based on moral rights, most theorists recognize rights as a legal, not moral, concept. While the first is often derived from the second, they are not the same. This is important for two reasons. First, while many activists consider the legislation of a right a victory in and of itself, it does not guarantee the right will be realized, a claim that will be empirically detailed later in this chapter. Secondly, if the legislation surrounding the right disappears, the imperatives surrounding that right may disappear as well. Instead, it is far better to build arguments for moral imperatives not on legislation but upon a moral framework that can be widely accepted, a task Chapters 6 and 7 seek to do.

#### *Lack of clarity over the entities that fulfill and protect rights*

Interestingly there is widespread disagreement over which entities fulfill rights, with many theorists claiming only states address rights while a vocal minority argues other entities, including individuals, also have obligations to fulfill them.

James Nickel (2006), for instance, contends human rights are political in nature and primarily address how states should treat their citizens. That said, in some cases (e.g., under the United Nation’s responsibility to protect doctrine), international agencies such as the United Nations and governments other than one’s own may serve as secondary addressees (ibid). However, certain well-respected documents do not always align with this idea. The *Declaration on the Rights of the*

*Child*, for example, includes, among a long list of those who fulfill children's rights, 'men and women as individuals'.

The idea of individuals as the obligors of human rights is contentious. While most people agree individuals must respect and not violate other individuals' human rights, they also think individuals do not have obligations to actively fulfill other individuals' human rights (Kent 2005: 116-117). While some argue such obligations ought to exist, it is well understood these obligations do not exist in international human rights law (117).

Yet prominent theorists support this view. George Kent, for example, contends 'Though human rights are commonly viewed as claims against states, and thus their national governments, they should be viewed as claims against all humanity (222). One's own national government carries the primary legal responsibility for the realization of one's human rights, but morally these burdens fall in some measure on all of us. All human rights should be recognized as having global reach.' This idea will be explored in greater detail in Chapters 6 and 7.

Interestingly, Kent goes even further, appearing to argue that under normal conditions, people are responsible for fulfilling certain of their own rights, such as the right to food (104). The government is only to protect these rights in exceptional circumstances (ibid). The fact that well-respected theorists can make such antithetical claims (e.g., that idea that only states can fulfill human rights versus the idea that individuals themselves should do so) shows how unsettled the idea of rights actually is despite its prominence in the culture.<sup>42</sup>

### *Rights require institutions and structures*

While most theorists disagree about the basis, if any, for the concept of human rights, few question the importance of them. Yet if these rights underlie claims of the utmost importance, why can they only be realized in the context of proper institutions and other civil and political structures? In other words, if moral claims are strong enough, they should be able to be made in all spheres of life and not just those with strong civil and political institutions.

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<sup>42</sup> Curiously, the idea of which entities have the ability to violate rights is also contentious. Iain Byrne (1998: 4) asserts as a 'basic point' that 'only states (or non-state entities that have the powers of states) can violate a person's human rights'. This appears an odd claim since many counterexamples exist. For instance, if a child has a right not to be sold as a sex slave and yet a human trafficker sells that person as a sex slave, it seems obvious that the human trafficker, not the state, is the one who violated the child's rights. Susan Okin (as cited by Nickel 2006) cites further examples such as racism and discrimination that, while largely considered rights violations, are mainly concerned with private behavior.

James Nickel (2006) takes the strong view, contending human rights are not transhistorical, instead presupposing certain institutions and processes such as courts of law, income taxes, and formal education systems. Yet Thomas Pogge sees the weaknesses in this view. If we rely only on an institutional conception of justice (e.g., social contract theory), then human rights are only valid in the context of institutions (Pogge 1992: 51). Thus, a lack of such institutions (e.g., a weakly governed or repressive country) would mean that violations of human rights could not exist (ibid). As a result, 'if we accept a purely institutional conception of human rights, then we need some additional moral conception if we wish to deny that all is permitted in a very disorganized state of nature' (ibid). Furthermore, under such an institutional scheme, the universality of these rights depends on global institutions and interactions; if the world were simply comprised of self-contained states, we would not be concerned with human rights violations beyond our borders (ibid).

To circumvent such difficulties, Michael Walzer (1985: 234-235) reasons while individual rights are not necessarily dependent on 'political processes and social circumstances', civil and political institutions are vital to the enforcement of those rights. He proceeds to argue the minimal – and mostly negative – rights asserted in the global arena are largely 'designed to protect the integrity of nations and to regulate their commercial and military transactions' (235). While atrocities such as the Rwandan genocide and Balkans conflict has emphasized the human side of rights in the 25 years since Walzer wrote, the latter part of this chapter will show how states still continue to fail to fulfill rights obligations.

### *The uneven implementation of rights*

Another issue with rights is the great disparity with which they are interpreted and implemented. On the most basic level - negative rights – Marx argues mandating equal civil and political rights is superficial if a lack of economic and social equality prevents all people from having comparable abilities to exercise those rights (Buchanan 1982: 80). In line with this, Jim Ife (2001: 9) argues powerful individuals claim many non-universal rights (e.g., profit maximization, unlimited ownership of private property) while powerless individuals struggle to obtain more basic ones (e.g., the right to free speech).

However, even if everyone was able to exercise the same ability to obtain basic civil and political rights, substantial controversy exists surrounding the existence of social and welfare rights (Nickel 2006). In fact, many Western politicians and academics view civil and political rights as

priority rights yet think of social rights as derivative ones (Messer 1997: 299). Even when social rights are theoretically recognized as being on the same level as civil ones, on a practical level, they are often not enforced. Instead, they only help set goals and assign responsibility to achieve them (Nickel 2006). George Kent (2005: 88) appears comfortable with this, arguing governments who recognize rights are strongly committed to achieving them. However, as the latter part of this chapter will show, this claim appears to have a rather weak basis.

Because social and welfare rights are often not recognized and, when they are, may be only weakly enforced, the ideas in this dissertation seek a much more solid foundation, which Chapters 6 and 7 will describe.

### *Rights inflation*

It can also be difficult to make credible claims based on rights due to the massive rights inflation that has occurred in recent years. Because discussing something as a 'right' gives the appearance of greater justification for the cause, the number and categories of rights have increased exponentially. As a result, what began as a few basic rights (e.g., freedom of speech, right to vote) has expanded to include nearly everything, including the 'right to a minimum age of marriage' (see Donna Sullivan 1995: 390). To be clear, prohibiting marriage below a certain age may be socially or morally desirable; however, it seems excessive to claim it as a right.

In line with this thinking, Evelina Dagnino (2007: 64-65, emphasis in the original) notes the concept of rights has expanded to include 'the invention/creation of *new* rights, which emerge from specific struggles and their concrete practices', citing examples such as the rights to environmental protection and housing. Similarly, Robert Loudon (1983: 87-88) laments not only the prevalence of rights-based theories but 'the attempt to analyze and find solutions to "new" moral problems by means of rights', such as issues in animal and environmental ethics, by first conferring rights on these nonhuman entities and then grounding human obligations to such entities based on those rights. According to Loudon, the list of entities that have rights now includes animals, future generations, and corpses, which is evidence of this massive rights inflation (88). Given the caricatures that exist within the rights movement, Chapters 6 and 7 describe a more credible alternative for grounding an equality of opportunity for children in philosophical arguments.

Entitlement

Grounding moral obligations in the concept of rights also has a dangerous tendency to create individuals who claim entitlements without accepting the corresponding sense of responsibility. Mary Ann Glendon (as cited by Wernar 2007) argues because rights focus on entitlements and not responsibilities, they emphasize the benefits of living in a generous society and minimize or overlook the obligations that arise from doing so. Robert Louden (1983: 99) conveys this idea well, writing ‘the center of attention in a rights-based theory is the agent who benefits from others’ compliance’. Karl Marx shared these concerns. To him, a right to liberty reinforces egotism and selfishness since people can do as they please so long as they do not hurt others (Wernar 2007).

Lief Wernar shares Marx’s concerns. Because rights focus on entitlements and not responsibilities, important virtues that have no corresponding rights (e.g., beneficence) may be overlooked or disregarded (ibid). Furthermore, this entitlement mentality that a rights focus can create has a tendency to allow rights holders to make impractical demands without considering the corresponding burdens and obligations upon others (ibid). In fact, rights language has a tendency to be used by those who perceive themselves as potential recipients of certain benefits or treatment (ibid).

Because the ideas contained in this dissertation are meant to create an equality of opportunity for children and not an entitlement mentality for them, the dissertation argues from the perspective of what we must do for others, not what they must do for us (see Chapters 6 and 7).

**VII. A few thoughts**

As discussed earlier, states are often seen as the protectors and enforcers of rights. The first half of this chapter detailed the concept of rights and then explained why the theory of rights is not an appropriate foundation for the ideas contained in this dissertation. While some theorists such as Lief Wernar (2007) claim rights shape the way we see morality, it seems more appropriate that morality should shape the way we perceive rights. Even James Nickel (2006), an ardent supporter of rights, recognizes not all issues surrounding social justice involve human rights. As Susan Wolfson (1992: 9) writes,

Rights and their related notions are not the totality of morality (as central as they may be) and there are situations in which questions of rights are inappropriate or inapplicable. There are many

moral considerations other than rights which are at times more important in a particular case or type of case in deciding what ought to be done or what the appropriate moral attitude should be.

While Chapters 6 and 7 will show how there are other philosophical foundations that are more appropriate for arguing for an equality of opportunity than the concept of rights,<sup>43</sup> the second part of this chapter will first show how rights, in addition to their philosophical shortcomings, have repeatedly demonstrated serious practical failings as well.

### **VIII. The inadequacy of the state in protecting rights**

The second half of this chapter will argue that even if rights had impeccable philosophical foundations, states have consistently shown an inability and/or unwillingness to enforce them.

To begin this exploration, it is important to define what a ‘state’ is. According to George Kent (2005: 77), a state is ‘the formal name for a country or nation’. While, as Chapter 6 will show, even this definition is plagued with inadequacies, it will suffice for the discussion in the remainder of this chapter.

It is understandable why activists would seek to involve the state in issues dear to them for, as Thomas Nagel (1991: 154) observes, ‘anyone with a particular conviction about the good for human beings will naturally be inclined to get the power of the state behind it, not only for his own sake but out of concern for others’. Furthermore, the amount of money states are able to offer to these causes is mind-boggling. For example, the U.S. government spends \$1 trillion per year on social services, which is multiples of the \$163.5 billion and \$16.4 billion that the country’s individual donors and largest foundations, respectively, spend annually (Banjo 2009). Yet evidence consistently shows the state has often failed to enforce rights. The next section in this chapter will examine the purpose of the state before examining its tenuous ability to provide aid.

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<sup>43</sup> There appears to be no formal right to an equality of opportunity in academic literature and major documents (e.g., *The Universal Declaration of Human Rights*). However, it would be assumed that creating and enforcing certain rights (e.g., the rights to food, shelter, and education) would create these opportunities. The difference between an equality of opportunity based on rights and one based on a different foundation is that the one based on rights would still guarantee an adult certain provisions (e.g., housing) that a different theory may not (e.g., an adult that made poor decisions may not live in proper shelter).

## IX. What is the purpose of the state?

In order to understand if states have failed to fulfill their duties towards human rights, it is important to first understand the reasons they exist. This section will explore those reasons in order to provide the context of their failure to fulfill human rights.

### *Why do states exist?*

As with many ideas in philosophy, there are different opinions on why states exist, but the most widely held view, a Kantian one, appears to most closely align with the empirical evidence for statehood. According to the Kantian view, the legitimacy of the state is founded upon the fact that people's right to external freedom requires protection, and this protection requires the institutional security of a just state (Kleingeld 2000: 325). (Unsurprisingly, citizens in countries such as Taiwan or the newly created South Sudan argued for statehood for precisely these reasons.) Note this is different than thinking a just state is in citizens' self-interest or that citizens have given either implied or explicit consent to live in one (ibid).

Curiously, some activists assert governments primarily exist to redistribute resources (Bebbington, Hickey, & Mitlin 2007: 33), although this is a very difficult claim to justify. However, a more convincing way to argue for governmental redistribution of resources is to note, at least in democracies, states are supposed to reflect the collective will of their constituencies.<sup>44</sup> In some countries, this means the creation of a large welfare state, yet the success of these redistribution programs varies dramatically. Geof Wood (2003: 455) observes even governments that are genuinely poverty focused often fail in their efforts to reduce poverty because their supporters are usually part of the social, economic, and political landscape that produces such inequalities.

Yet within both of these ideas is the theme that states exist to protect and serve their citizens. While it is true that some states (e.g., North Korea) do not even pretend to aspire to such a purpose, on balance, most states – with varying degrees of will and to varying degrees of success – appear to view themselves as having this purpose. Assuming this is correct, the next section explores states' relation to the concept of human rights.

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<sup>44</sup> Democracies inherently necessitate citizen participation (i.e., it is difficult to have a democracy if no one votes), and it is thus in most people's best interests that citizens are meaningfully able to understand and participate in civil and political affairs. This idea is explored in Chapter 5.



*Why are states viewed as the protectors and enforcers of rights?*

If states exist to protect and serve their citizens, and this protection and serving is framed in the context of rights, then it is logical for states to be viewed as the enforcers of rights. This corresponds to a coherent reading of internationally important documents such as the *Universal Declaration of Human Rights*, which implies justice is the responsibility of states (O'Neill 2000: 45). Such language and focus on governments and rights may also result from the immediacy of need. For example, Colin Wringle (1992: 192-193) argues rights emphasizing the holder's entitlements are preferable since a focus on charitable duties leaves the timing and direction of those duties to the provider. In other words, if people have needs they are entitled to have fulfilled, this view holds the needs are more likely to be met by the government than if the needy were to simply rely on the mercy and timing of individual obligors.

There are also practical reasons governments are viewed as the entities responsible for enforcing rights. The first involves scale. Governments have the size and coerciveness to be able to mobilize resources in ways individuals do not. They also hold the monopoly on certain mandates. For example, individuals cannot protect themselves or their fellow citizens outside the bounds of the law. As a result, the government is the only entity that can create the systems necessary to pursue criminal or civil justice in an organized manner.

Finally, there are historical reasons governments are viewed as the protectors and enforcers of rights. The *Universal Declaration of Human Rights* has been in place for almost 65 years and permeated deeply into the consciousness of the citizens of most states. The idea that the government is to ensure these rights has crept right along with it. Sixty-five years means most families have two to three generations of people who have grown up with this idea rooted firmly – often unquestioningly – in their minds. Such attitudes can be very difficult to change.

*The state as the fulfiller of individual obligations*

Even without the idea of rights and the government as the obligor of those rights, states can still be viewed as the entity collectively able to fulfill individual obligations. This concept, known as the 'State Charity Model' allows donors to give as a result of altruistic intentions to help the less fortunate (Oblor 1986: 409). The justification is that this aid can be transferred more efficiently through the state than through individuals or other private (e.g., non-profit organizations) means (ibid). Thus, the state acts as a mechanism for aggregating individual preferences (ibid).

One of the biggest advantages of such a model is its simplicity (410). However, Shelly Kagan (1989: 396) notes other advantages of such a system, including:

- Recognizing the state may be in a better position to address the problem;
- Ensuring all those who can contribute, will;
- Removing motivational requirements for givers to act on their obligations; and
- Freeing individuals to focus on other activities.

Justice is an excellent example of Kagan's first point. As Stefan Gosepath (2001: 147) explains:

Justice is, hence, primarily related to individual actions. Individual persons are the primary bearer of responsibilities (ethical individualism). We are, first, all addressees of claims of justice, both individually and collectively, throughout the world. We are all primarily required to respect such claim-rights and to act accordingly. But establishing justice by oneself (ubiquitously and simultaneously) is beyond the individual's capacities. Personal moral responsibility is correspondingly small. Nonetheless, all individuals together have collective moral responsibility. In order to meet this responsibility, a basic order must be justly created. This is an essential argument of moral theory, or of justice, for the establishment of state institutions and fundamental state structures for political communities; with the help of such institutions and structures, the individuals can collectively fulfill this responsibility in the best possible manner.

Outsourcing individuals' obligations to the state also assists in overcoming free rider issues. While some people may decline to give to the disadvantaged due to selfishness or ignorance of the social systems that lead to disadvantage (see Chapter 3), most people who do not give simply forget or lack the strong motivation to take action. Thomas Nagel (1975: 145-146) argues having the state tax us for charity versus writing the check ourselves (i.e., passive vs. active demand) is, while resulting in the same ultimate demand or loss, fundamentally different because the latter action imposes a greater demand on our will.<sup>45</sup> In such cases, instituting mandatory giving to the state circumvents free rider and motivational issues an individual giving system incurs.<sup>46</sup>

Pooling individual obligations by outsourcing them to the state also frees individuals to focus on pursuing their conception of a good life while still fulfilling their moral obligations. Large

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<sup>45</sup> Nagel uses this argument to conclude that this greater demand on individual will means we cannot be assured that everyone will comply with an obligation to give, thereby rendering the obligation itself nonexistent. This dissertation fundamentally disagrees with such reasoning (see Chapter 10), and only Nagel's point about the greater demand on our will is relevant here.

<sup>46</sup> For the 'free rider' argument to be valid, the administrative costs of government aid must outweigh the costs of free riders if state aid is to be more efficient than private spending (Obler 1986: 413). If governments are corrupt or wasteful or the aid is given to people that do not need it, private aid is better (Obler 1986: 412).

amounts of time are not consumed by the need to research and understand the individuals in greatest need and what kinds of aid are most effective. Theoretically, the state is in a better position to know these things and thus in a better position to act upon it. As a result, individuals are largely free to pursue other activities as long as their financial contributions are given to the state for such purposes.

Another advantage of the state fulfilling individuals' obligations – and this is not an advantage Kagan mentions but is related to the last point – is the sheer practicality of a central processing unit. The costs (i.e., taxes) associated with fulfilling certain social rights such as healthcare and social security are generally considered replacements for certain individual and community burdens such as caring for the unemployed, sick, disabled, and aged (Nickel 2006). As a result, allowing the state to fulfill these obligations lessens the reliance on an informal system in which burdens are unevenly distributed on people (ibid). For example, if a child's parents die, it is reasonable that a community fund help pay the costs of raising that child (e.g., through grants) so that the individuals who choose to care for that child do not bear a disproportionate amount of the costs associated with raising him(her) given that they acquired the responsibility to care for that child through moral luck, not personal choice.<sup>47</sup>

There are, of course, moral as well as practical issues in outsourcing individuals' obligations to the state. While it is logical for the state to hold a monopoly on justice systems and violence, it is not equally obvious they do nearly as well in holding and fulfilling charitable obligations. While the remainder of this chapter will detail state's practical failure to fulfill charitable obligations, it is important to first note there is a moral danger to outsourcing such obligations to the state.

When obligations are consistently outsourced to the state, individuals may gradually lose that sense of obligation. The idea that 'I must do this but will outsource it to the government' is replaced by the idea that 'the government does it, not me'. This reduces the sense of collective humanity and increases the idea that the poor or needy are 'the other' and 'not like me' (see Chapter 12). Such attitudes in turn increase the likelihood of viewing the poor as 'undeserving' and perceiving their circumstances as being entirely 'their fault'. This is a dangerous way of categorizing society and leads to a skewed view of the world in which moral luck plays no role (see Chapters 6 and 7).

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<sup>47</sup> In other words, this is different from parents who choose to have a child and thus incur the responsibilities that accompany it.

Kent (2005: 99) asserts communities in developing nations still feel responsible and obligated towards children whereas in more developed nations, that has been outsourced to the state. He argues that in developed nations, people turn to the government to supply resources and services that local communities no longer provide (ibid).

### Conclusion

Because citizens of democratic nations are the ultimate source of political authority in those nations (Nickel 2006), they can outsource certain obligations to the state with the reasoning that such states act on their citizens' behalf. In these cases, states are able to fulfill individuals' obligations to those who are disadvantaged. However, this also means when states do not fulfill their obligations, their individual citizens remain the secondary addressees for these duties (ibid).<sup>48</sup> The remainder of this chapter will detail precisely how such states are failing to fulfill their obligations.

## **X. The inadequacy of the state in protecting and enforcing rights**

While the idea of human rights have some benefits (e.g., a common language, the authority of international recognition (see Beetham 1995: 59-60), they have not worked nearly as well as their supporters hope and portray. Unsurprisingly, there is a significant gap between the legislation of a right and its enforcement. For example, a right to food is enshrined in international law, yet a sixth of the world's population is classified as undernourished (FAO 2009: 11, 44). Another example is the world's rampant poverty that persists despite numerous provisions and rights in international conventions and agreements that relate to poverty (Gordon et al., 2003: 105-118).

This is particularly true when it comes to children. It is widely acknowledged that neither the implementation of the United Nations' *Convention on the Rights of the Child* nor the National Plans of Action developed during the 1990 World Summit on Children have been consistently implemented (CFSC 2002: 4). For example, according to UNAIDS, UNICEF, and USAID (2004: 5), only 17 of the countries affected by the AIDS epidemic have policies in place to protect the rights of children affected by the disease (e.g., left orphaned when their parents die of it). In one report, Human Rights Watch (2005: 3) noted wherever it 'conducted research for this report,

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<sup>48</sup> The idea of secondary addressees extends beyond states. For example, a company that outsources its manufacturing to another company is still viewed as morally – and in some cases legally – liable for immoral or faulty manufacturing practices. For example, Nike is viewed as morally liable for the employment practices its Asian manufacturers use.

governments seemed content to let the poor help the poor...This lack of government oversight further exposed children to abuse by unregulated and ill-intentioned caregivers’.

Examples of such government abuses and failures abound. For instance, despite having government policies to provide education to all children,<sup>49</sup> Human Rights Watch (2005: 1-2, 19, 23, 42) documented cases of schools in Kenya, Uganda, and South Africa denying children access to education if they could not afford to pay or lacked the appropriate documentation to show they were eligible for free education. In South Africa, some schools even refused to waive fees for orphans (19).

Human Rights Watch also documented cases of the South African and Kenyan government not distributing funds to community-based organizations caring for HIV/AIDS-affected orphans despite having either contracts or agreements to do so (43-44). While there is a significant amount of international funds to help such groups, the funding often does not reach them due to lack of expertise or an inability for the parties to connect (44-45). In line with this, *The State of the World's Children: Special Edition*, published by UNICEF (2009b: 14), details how South Africa, a functioning democracy and economic giant on the African continent, is so overwhelmed by the demand of other social issues (e.g., poverty, crime) that it cannot fulfill its obligations to protect the rights of children.

Why is this? Why are states largely incapable of protecting and enforcing the rights of those in need? The next section will attempt to answer these questions in detail.

## **XI. Reasons the state is unable to protect and enforce rights**

States are famously bad at enforcing economic and social rights. As Nicholas Kristof (2010) observes:

It's striking that the most innovative activists aren't necessarily the ones with the most resources, or the best tools. If that were true...G20 countries would be leading the effort to prevent Congolese warlords from monetizing their minerals. Rather, what often happens is that those best positioned to take action look the other way, and then the initiative is taken by the Scharpfs and

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<sup>49</sup> Such policies are in addition to provisions found in The Universal Declaration of Human Rights, The UNESCO Convention Against Discrimination in Education, and the International Covenant on Economic, Social, and Cultural Rights, all of which stipulate that every child should receive free and compulsory primary education (Fyfe 2007: 83).

Shannons of the world [two people addressing specific aspects of poverty in Africa], who are fueled by some combustible mix of indignation and vision.

Such an observation hints at the idea of the difference between legislation and implementation. Although one of the main functions of pronouncements of human rights is to act as a motivator for legislative action for the protection of the substance of those rights (e.g., a right to a minimum age of marriage would be adopted as legislation stating that individuals may not marry before a certain age) (Sen 2009: 359), it is much easier to enact legislation than to gather the resources, skills, and will to enforce it. As UNICEF (2009b: 11) notes, 'It is evident in many countries that the realities experienced by children do not match the rights they are guaranteed by national legislation'.

Why is this? Why are rights so difficult to enforce?

#### Reason 1: Ambiguity

The first reason rights are difficult to enforce is because of the ambiguity surrounding the definition of rights enforcement. David Gordon and his colleagues (2003: 11-12) acknowledge the charters and conventions surrounding human rights do not address how these rights are to be fulfilled, proceeding to cite the example of the right to free and compulsory primary education, saying that although it may appear straightforward, there can be many different interpretations, including how long such schooling should be, the curriculum it should contain, etc. This becomes an even larger issue with more ambiguous rights such as social insurance and thus results in signatories to the United Nations' *Convention on the Rights of the Child* arguing they should not be held accountable for the protection of such imprecise notions (13).

#### Reason 2: Institutional flaws

Another reason rights are often not enforced is because the institutions tasked with enforcing them are flawed. The protection of human rights depends on the creation and maintenance of capable, efficient, and uncorrupted political institutions as well as economic productivity (so that taxes can pay for the services human rights require), better education, and greater equality (Nickel 2006). As a result, some theorists argue it will take centuries before universal respect for human rights exists (ibid).

Although there are certain international bodies, including the United Nations Office of the High Commissioner for Human Rights, charged with protecting human rights globally, such institutions are chronically underfunded and, at best, modestly effective (Kent 2005: 36). This is because human rights law and international organizations concerned with human rights, including the United Nations, are relatively weak compared to the world's significant and ongoing human rights violations (Nickel 2006). The implementation of the universal respect for human rights was first hindered by the Cold War, and although its end allowed gains and improvements in human rights laws and institutions during the 1990s, the world's concern with addressing terrorism since 2001 has again greatly lessened the focus on human rights (ibid).

An example of this weak institutional ability to enforce rights is the 2004 Namibian drought. In that year, the World Food Programme and UNICEF appealed for \$5.8 million from the international community to alleviate hunger caused by the drought, which affected a third of the Namibian population (UN Wire 2004 as cited in Kent 2005: 221). After two months, the institutions still had received nothing, and little was reported in the media (ibid). The lack of funds most likely resulted from the international community not being legally required to extend humanitarian assistance (Kent 2005: 217),<sup>50</sup> which weakens the mandate of institutions in part tasked with protecting economic and social rights.

### Reason 3: Lack of accountability

As implied earlier, it is often states, not international institutions, which are viewed as accountable for enforcing rights. In fact, a well-functioning society that honors rights has three components (65):

- Rights and rights holders;
- Duty bearers who fulfill the obligations corresponding to those rights; and
- Agents of accountability who ensure the duty bearers fulfill those obligations

The last component contains the accountability mechanism through which rights are enforced (92). When rights holders are not able to hold their government accountable to rights violations, rights effectively do not exist in that nation (63). For example, the *African Charter on Human and Peoples' Rights* both identifies rights and imposes duties on individuals (Articles 27-29) and governments (Nickel 2006). The Charter created a commission tasked with ensuring compliance of

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<sup>50</sup> Cases of war crimes, genocide, ethnic cleansing, and crimes against humanity are exceptions. Such atrocities fall under the United Nations' doctrine of the responsibility to protect, although, as with most UN doctrines, its enforcement is weak and sporadic.



these rights, and as part of this, states are required to regularly submit reports on their rights compliance (Articles 30 & 62) (ibid). However, because of the sheer number of human rights violations coupled with governmental non-cooperation and a lack of resources, the African system has been slow in addressing such violations (Evans & Murray as cited in Nickel 2006).

*Reason 4: The inconvenience of politics*

Politics also plays an important role in states' inability and/or unwillingness to enforce rights. Often, states' humanitarian assistance is tied to certain political and/or economic goals (Kent 2005: 215). For example, although it would be less expensive and more time effective to buy food overseas, the United States government mandates its food aid must consist of crops grown in the United States (Singer 2009: 108). Not only is this policy enormously cost ineffective, it depresses the receiving countries' local markets, thereby increasing dependency (ibid). Thus, the benefits of U.S. aid are reduced per dollar (i.e., if policies were different, more people could have been helped given the same amount of money).

India offers another such example. In a 2001 Supreme Court case in the country, it was revealed that although millions of people in India were malnourished and starving, the government continued to store grain, with the food lying unused and rotting in government storehouses (Kent 2005: 143-144).

Turkmenistan provides yet another instance of politics trumping assistance to those in need. Despite billions of dollars in gas sales each year, the country's five million people remain impoverished, with proceeds from such wealth enriching the privileged political class instead (*The Economist* 2009j).

Finally, in a more tragic example, cruel politics by Colonel Mengistu Haile Mariam, the head of the Ethiopian government, significantly amplified the death toll resulting from the country's 1984 – 1985 famine (Meredith 2006: 332-343). Because he routinely used food aid as a weapon of war and blocked aid from reaching Ethiopia's starving people, over one million people died (343). While this is obviously an extreme case, it highlights the political issues involved in states' ability and willingness to enforce human rights.

Amartya Sen (2009: 387) asserts 'naming and shaming' such practices and rights transgressions is effective, yet counterexamples abound. Looking over the past few years, 'naming and shaming'



has done nothing to alleviate China's repression in Tibet, Iran's brutal crackdown after the 2009 elections, the ongoing tragedy and farce that is North Korea, and gross human rights violations in Sudan. In rare instances when a 'naming and shaming' approach is regarded as effective, is it because the regime is able to realize its own blameworthiness under such scrutiny or simply the negative consequences such scrutiny may bring (e.g., withholding aid)? In other words, it is far more likely that regimes that routinely violate human rights respond to practical, not moral, reasons. Furthermore, because of the rise of China and its no-strings attached approach to aid, 'naming and shaming' is likely to continue to decrease in effectiveness and the unwillingness to enforce rights due to political reasons will remain largely unpunished.

#### Reason 5: Incompetency

Even when political will is present, incompetency may still result in the state failing to fulfill and enforce rights. Donald Skinner and his colleagues (Skinner et al 2004: 14-15) observe governments may have policies designed to help children but fail to do so because of poor implementation. Such poor implementation may result from inadequate information, deficient communication between the government and community, insufficient transportation to receive assistance, a lack of adequate social workers, or poorly trained government employees (ibid). Even when certain government services for disadvantaged children exist, such children cannot access them because of inadequate identity documents (Letlape, Magome, Nkomo, & Mdwaba 2006: 70).

Government are also unlikely to recognize when they fail. A 2009 study showed a multi-million dollar program to help children worldwide did not produce better results in Bangladesh. Instead of trying to revise the program in order to increase its effectiveness, some officials suggested remedying the problem by increasing the program's funding (The Associated Press 2009). Such suggestions waste resources and test donor patience.

#### Reason 6: Resource constraints

Finally, resource constraints are an important factor in states' failure to enforce rights. Michael Freeman (1992b: 31) observes the almost doubling of child poverty in the 1980s despite increased awareness of children's rights. Why? Often, areas that contain large numbers of disadvantaged children contain other economic and social problems as well. Poverty and unemployment may not allow other community members to care for the disadvantaged children given their struggle to care for even their own families (Skinner et al., 2006a: 9). Because state re-

sources need to tackle these other problems (i.e., poverty and unemployment), there are simply not enough state funds left to assist the children. In other words, the need is great but the resources few.

## **XII. The failure of aid**

What about aid? Surely states could more effectively enforce rights if more developed nations provided assistance?

Despite periodic media fanfare about large donations, this has not happened. As noted earlier, there is no legal obligation for states to come to each other's assistance during times of need (except under the narrowly focused doctrine of the responsibility to protect). In fact, foreign aid as a percentage of GDP has decreased by 30% since the 1970s (Klein & Harford 2005: 26). Drawing on data from the World Bank, Michael Klein and Tim Harford conclude although public and private sector aid began from a nearly identical base in 1970, the latter increased exponentially in the 1990s (33). By 2002, private sector flows totaled about \$380 billion compared to just approximately \$210 billion from the public sector (ibid).<sup>51</sup>

The aid that has been given is deceptively large. According to William Easterly (2006: 4), the West has spent \$2.3 trillion on aid over the last 50 years, and this money has been largely wasted. However, after reviewing these numbers, Peter Singer (2009: 105-106) concludes \$2.3 trillion over 50 years equates to people in wealthier nations giving only about \$60 per person per year, or about 0.3% of every dollar earned. Such trends continue. World Bank figures for overseas development aid (ODA) for 2008 show net ODA received per capita that year was a mere US\$19.

Donors are often not as generous as people may believe. For example, when confronted with data showing total U.S. governmental and nongovernmental aid to eliminating extreme poverty is only 0.25% of GDP, which is near the bottom of the OECD (35), many U.S. citizens will respond that such numbers are artificially low because they do not include the generous private giving of its citizens and non-profit sector (e.g., churches, foundations, and NGOs). According to Jeffrey Sachs (2005: 303), this is simply not true. Even factoring in the giving from these

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<sup>51</sup> According to Klein & Harford (2005: 33), private sector flows include non-government guaranteed debt, NGO grants, workers' remittances, portfolio equity, and direct investment. Public sector flows are defined as 'gross disbursements from bilateral and multilateral agencies (including the International Monetary Fund), export credit guarantees, and private borrowing with a public guarantee' (Klein & Harford 2005: 33).

sources, total U.S. giving (i.e., both government and non-government sources) is still among the developed world's lowest (302-303).

Interestingly, such numbers do not reflect the will of citizens. In fact, a 2005 survey found 65% of Americans favor the U.S. government spending 0.7% of GDP per year on foreign aid and development if other countries did so as well (Kull et al., 2005: 2). In reality, the U.S. spent only 0.19% in 2008, which was among the lowest amounts for DAC (Development Assistance Committee) countries (OECD 2010b).

What has gone wrong that the outlook for government aid is so weak? The remainder of this section will focus on reasons why developed states cannot be relied upon to assist other states in enforcing human rights.

#### *Reason 1: Unfulfilled pledges*

Although governments often pledge aid to other nations, they routinely do not deliver these commitments. In 2005, for example, several OECD members pledged official development assistance to developing nations; however, by 2010, they were far short of their goals (OECD 2010a). These nations pledged approximately \$25 billion to countries in Africa alone; however, the continent will likely receive only \$12 billion by the time the commitment period has expired (ibid).

Why is this? Politics is complex, and there are likely several factors involved. First, free riding is emerging as a serious problem among donor nations (UNESCO 2010: 219). This begins a rather vicious cycle since countries that do not contribute their fair share of aid or deliver on promises of aid will make more generous countries less likely to pledge future donations (13).

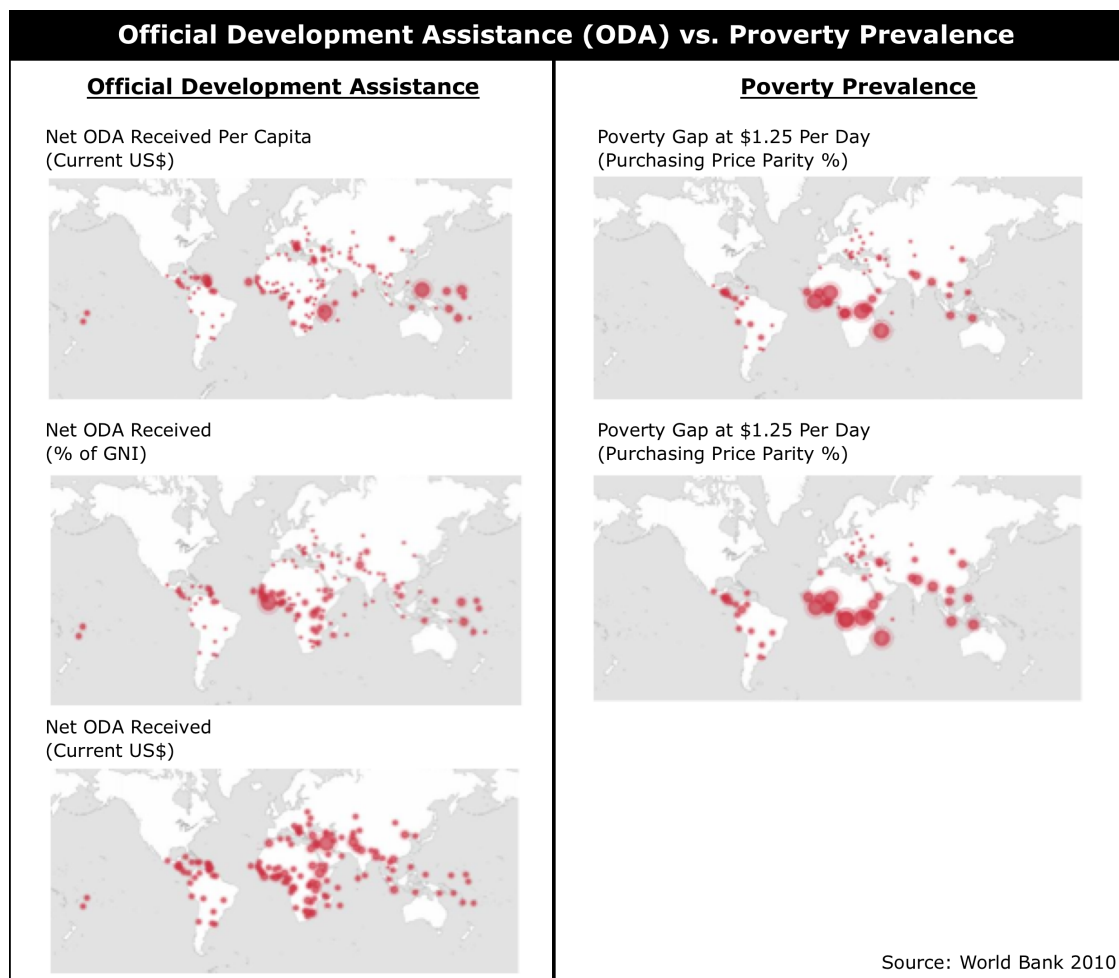
Straitened times do not help. With much of the developed world engulfed in a debt crisis and other economic problems, pledges that seemed reasonable during prosperous times suddenly look less responsible. How can politicians justify borrowing money to help faceless individuals in faraway locations? Although constituents may want to see such actions, politicians often do not have the political will to act upon these desires.

Because of repeated failure to fulfill promises, recipients have learned not to wholly rely on pledges, which makes planning difficult and frustrating. According to UNESCO (2006: 191) the

lack of predictability in educational aid means long-term goals often cannot be set. Unfortunately, poor countries often become discouraged in their fight against extreme poverty as a result of a continual lack of funds from their own coffers and outside donors (Sachs 2005: 267).

### Reason 2: Misdirected assistance

Even when aid occurs, it is often not directed to helping those in the greatest need. The World Bank collects data on both official development assistance and poverty indicators. Interestingly, as the following graphs show, while they sometimes overlap, most aid is not being used to eradicate extreme poverty.



Instead, middle income countries receive over half of all aid, which UNESCO (2006: 87) argues highlights the political considerations involved in such decisions.<sup>52</sup> For example, most U.S. aid is devoted towards supporting war efforts (e.g., Iraq and Afghanistan) or furthering political aims

<sup>52</sup> To be fair, a country's general economic classification is not necessarily reflective of the conditions for all those who live within its borders. For example, countries officially classified as middle-income may still contain large swathes of people living in poverty (e.g., Nigeria) (Klein & Harford 2005: 26).

(e.g., Egypt before the Arab spring) rather than eliminating poverty (Singer 2009: 107, analysis based on statistics obtained from the OECD).

Reason 3: Waste through corruption, incompetence, and bureaucracy

Even aid that is theoretically directed to the places containing the highest number of people living in the most need is often wasted through corruption, incompetence, and bureaucracy. For example, of the aid given to Africa, most goes to consultants, food and emergency aid, debt relief, and administration while a mere 2 percent is directed toward investment in infrastructure, medical care, etc. (Sachs 2005: 310). According to World Bank estimates, improving policies in recipient nations could decrease the additional official development assistance needed to reach MDG targets by \$8 billion (Devarajan, Miller, & Swanson 2002: 18). Highlighting this issue, one study found any positive effects gained from increases in state spending on health and education were completely negated in countries with poor governance (Baldacci, Clements, Gupta, & Cui 2008: 1327, 1329).

In response to corruption and wasted funds, donor countries are imposing ever more rigorous reporting requirements as a condition of fund disbursement (UNESCO 2010: 234). While some of these new procedures are needed, others create far too much of a burden or are unreasonably difficult to meet (ibid). As a result, even the best intentions can prevent aid from being used properly.

Reason 4: Unintended consequences

While foreign aid can strengthen a country's government by helping to build strong political institutions and improve the quality of civil service, it can also have myriad negative effects, including high transaction costs, fragmentation caused by the promotion of multiple project agendas, and luring the most competent people into opportunities elsewhere (Bräutigam & Knack 2004: 260). In fact, Deborah A. Bräutigam and Stephen Knack found a very strong casual relationship between high aid levels and declines in the quality of governance in many sub-Saharan African nations (266, 271-272). However, the data suggests (although it is not conclusive) that post-Cold War aid has not been as damaging since the end of the Cold War weakened foreign aid's ties to geopolitical goals (275).

Why does aid have such negative effects? In large part due to colonialism, many African states failed to develop the political and civil institutions necessary for good governance (255). Unfor-

unately, continued war and economic crises exacerbate the problem (ibid), as does corruption, poor accountability, lack of the rule of law, and incompetence (258-259). Such issues are difficult to remedy since low tax revenues, low morale, and poor performance significantly hinder progress (259). In fact, Bräutigam and Knack argue that it can be difficult to separate the problem of weak governance from the possible negative effects of foreign aid (255). Still, the authors speculate if aid is too high, the country's leadership may not be incentivized to reform weak or corrupt institutions and practices (263).

The ability to use the aid given also plays a role. Aid absorption capacity addresses the diminishing returns of aid (Devarajan, Miller, & Swanson 2002: 20). Countries cannot absorb unlimited amounts of aid because their institutions are limited by the availability of their human resource and management expertise (ibid). Countries with good governance can absorb only about 30% of their GDP in aid, and countries with poor governance absorb a mere 6% (ibid). Still, give low levels of official development assistance, it is extremely unlikely that countries are in danger of breaching this limit (ibid).

#### *The place for government*

Although this chapter has sought to prove the idea of rights and reliance on states to enforce those rights is not working, it still recognizes there is a place for government in the protection of people.

The most obvious place in which states can and should intervene is in the protection of citizens from violence. States can and should carry a monopoly on justice, and when governments abuse this, intervention is justified. The United Nations' doctrine of the responsibility to protect will not be detailed here, but intervention in places like Rwanda during the 1994 genocide would have saved hundreds of thousands of lives.

Although less dramatic than preventing genocide, states also play an important role in creating the stable, safe environments necessary for people to flourish and set medium and long-term goals. This environment is necessary for people to pursue their conception of a good life and can only be done when the rule of law is present.

Governments are also important in setting examples. As the strongest and most prominent entity in most states, governments can have a tremendous voice. For example, in Africa, the AIDS

pandemic has had such devastating consequences in part because of African leaders' denial of or refusal to address the issue (van Niekerk 2005a: 57). Governments that use their voice responsibly, even when they lack resources to implement change, can still have a positive impact on their citizens' lives. Still, these positive attributes should not overshadow governments' generally poor record in assisting people, and we need to look elsewhere.

### **XIII. A comment about NGOs**

While Chapter 11 argues NGOs have a crucial role in enabling individuals to fulfill their moral obligations to disadvantaged children, it is recognized that these organizations have issues, too, and are not a panacea for the world's problems.

First, NGOs can be petty and uncooperative. For example, a 2002 report on street children in eastern and southern Africa noted the deliberate lack of cooperation among NGOs (CFSC 2002: 6, 8, 9). In another example, organizations involved with the Education for All initiative have been resistant to work with the International Labour Office to eliminate child labor and increase educational access despite both issues sharing the same underlying problems and solutions (ILO 2006: 58).

This lack of cooperation and communication leads to duplication of services, which results in further waste and inefficiency (Skinner et al., 2006a: 28). Even when organizations cooperate, waste and inefficiency still exists. In the mid-1990s, for instance, the World Health Organization and UNICEF implemented a program to reduce childhood deaths from diarrhea, pneumonia, malaria, measles, and malnutrition (Arifeen et al 2009: 393). Despite its multimillion dollar price tag (The Associated Press 2009), the program showed no statistically significant difference in combating such diseases (Arifeen et al 2009: 399-401).

Like governments, the people working at NGOs can also be the source of waste. Many NGO workers lack the necessary business, financial, and administrative skills to run organizations, which results in high levels of inefficiency (Skinner et al., 2006a: 27). Furthermore, these employees often only join NGOs to gain experience before moving into the governmental or business sectors (ibid). Staff members also experience high levels of burnout as a result of overextension of staff and services, which further results in high turnover rates (ibid).

Despite these issues, NGOs still have an important role to play in fulfilling obligations to disadvantaged children, and this will be explored more in Chapter 11.

#### **XIV. Conclusion**

Many obligations to people are now couched in the language of rights, and states are regarded as the primary or sole obligors of these rights. This chapter argued that rights actually have little philosophical grounding. Furthermore, governments often do not protect them. As a result, new ways of thinking about our obligations to others are necessary.

The remainder of this dissertation will argue for those new ways of thinking. While the philosophical arguments for these new ways are addressed in Chapters 6 and 7, the next chapter will first address the pragmatic arguments for helping disadvantaged children.



## The Pragmatic Case for Helping Children

### Chapter 5

In addition to the moral arguments explored in this dissertation, creating an equality of opportunity for all children, including those that are disadvantaged and/or living in another country, is an eminently pragmatic course of action. Mutual enhancement provides evidence for the importance of social cooperation, and this can often explain societies' successes and failures (Sen 2009: 203). As a result, it is important for members of societies to assist one another, and this cooperation is generally mutually beneficial (*ibid*). While this is not the only reason – or even the strongest reason – for cooperation (an idea that will be explored in Chapters 6 and 7), it remains important.<sup>53</sup> Since it can be difficult to motivate agents to overcome their reluctance to fulfill certain obligations, we must remember, as Shelly Kagan (1989: 272) observes, their 'interests carry tremendous motivational force'.

Amartya Sen (2009: 179) notes how Rational Choice Theory is increasingly popular not only in economics but also in politics and law. According to this theory, people act only to pursue a rather narrow definition of self-interest (*ibid*).<sup>54</sup> Sen stridently disagrees with the theory, deploring how 'it is somehow taken for granted in this approach that people would fail to be rational if they did not intelligently pursue only their own self-interest, without taking note of anything else (except to the extent that "the something else" might – directly or indirectly – facilitate the promotion of their self-interest)' (*ibid*). Chapters 6 and 7 detail the arguments for why self-interest is not the sole – or even the primary – factor in motivating agents to fulfill obligations of beneficence and also provide a strong moral case for extending an equality of opportunity to all children. Still, this dissertation recognizes certain theorists will cling to claims that the majority of agents will only act within their self-interests and also understands some agents will, in fact, only act within their own self-interests. As a result, this chapter provides the pragmatic reasons, including economic wealth and enhanced quality of life, extending this type of opportunity to all children can enhance agents' own lives. The hope, of course, is that these pragmatic arguments

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<sup>53</sup> Interestingly, although many still debate the role of ethics in economic theory, normative economics has become a topic of significant interest (Fleurbaey 2008). Marc Fleurbaey, however, argues that economics is so closely intertwined with public policy that it almost always contains normative aspects anyway (*ibid*).

<sup>54</sup> In one sense, Rawls' concept of the original position and veil of ignorance are based on self-interest, for it is not only to alleviate others' suffering that agents create the institutions for a just society but also to minimize the agent's pain should he find himself in the position of one of the disadvantaged.

will serve only to complement the moral ones, especially since, as discussed above, acts of beneficence are often mutually advantageous for both the giver and the recipient (Murphy 1993: 288).<sup>55</sup>

In the case of extending an equality of opportunity to all children, agents would experience personal benefits in several areas, including economic wealth, a safer environment, and a higher quality of life. As this chapter will explore, this is in part because increasing the equality of opportunity will not only increase overall material well-being but also help to reduce negative aspects in other areas that affect quality of life (e.g., crime).

### **I. Benefit 1: A stronger economy**

In the most cynical view of agent motivation, agents are only motivated to perform acts that will enhance their material wealth. In light of this, it is important to remember mainstream economics routinely argues systematically disadvantaging certain groups actually harms overall economic wealth. For example, based on her economic research, Deirdre McCloskey (2009: 29) concludes the exploitation of the poor – particularly in terms of harsh and immoral practices such as slavery, colonialism, and apartheid – has not been profitable for oppressive societies. In fact, she argues ‘even the rich in former times, who for millennia did in fact live off poor people, remained poor by the standard of ordinary people after modern economic growth’ (ibid). In other words, although they exploited others’ labor, the rich remained poor by today’s standards, meaning even the rich are better off when the poor increase their own material gains. This is because everyone benefits when ‘free, rich people’ trade with each other (30). Thus, the best way to enhance one’s own standard of living is to also increase the living standards of others. As McCloskey observes:

We are made better off by having fellow citizens who are well-educated and well-trained and fully employed, even though we will then have to sacrifice having plentiful maids (the living rooms of middle-class people in Brazil and South Africa are strikingly clean, because they do have such maids). If exploiting poor people of color had been such a grand idea for rich white people, such as certain white Brazilians and white South Africans, then the white people in such countries would now be a lot better off than whites in Germany or Portugal or England or Hol-

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<sup>55</sup> Some theorists argue that even altruism is just an enlightened form of self-interest (Prichard as cited in Norman 1998: 41). In light of people’s actual behavior, this seems highly implausible, and Chapter 6 provides the rebuttal for such arguments.

land, or the United States or Australia—places from which their ancestors came or to which their cousins went. They are not, and were not. (31)

Why is this? It is largely because increasing everyone's ability to access material wealth increases both labor productivity and economic growth. These factors, among others, will be explored in the following subsections.

### Higher economic growth

As Chapter 8 argues, a primary component of increasing the equality of opportunity involves education. Not surprisingly, numerous studies have found strong causal relationships between the quality and pervasiveness of a country's education system and its economic growth. Eric Hanushek and Dennis Kimko (2000: 1190), for example, found a very strong positive correlation between both the quantity and quality of a state's education system and its GDP per capita growth rate. According to another economic study, devoting more resources to education contributes positively to economic growth both contemporaneously and through a lagged effect (Baldacci, Clements, Gupta, & Cui 2008: 1324, 1327).

While there are several reasons for this relationship, Charles Jones (2004) makes a compelling argument. He contends economic growth depends on innovation, which in turns depends on access to ideas (ibid). Thus, 'the more inventors we have, the more ideas we discover, and the richer we all are' (66). Expanding educational access will, of course, increase the quantity and quality of these ideas and is thus a vital component in this system.<sup>56</sup> A UNESCO (2004: 41) report summarizes the relationship well:

The relationship between measured labour force quality and economic growth is perhaps even more important than the impact of human capital and school quality on individual productivity and incomes. Economic growth determines how much improvement can occur in the overall standard of living of a society. Moreover, the education of each individual has the possibility of making others better off (in addition to the individual benefits just discussed). Specifically, a more educated society may translate into higher rates of innovation, higher overall productivity

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<sup>56</sup> It is, of course, possible to increase the pool of ideas without expanding access to education. For example, increasing trade and capital access and being more open to external ideas (i.e., not judging ideas originating from outside a culture to be poor simply because they were not internally generated by it) can expand the supply of ideas that are essential to growing an economy without increasing the quality or quantity of its education system (Stan du Plessis, personal communication, 16 April 2010). Still, as other parts of this section will explore, a skilled labor force and its ability to generate ideas and innovation cannot be ignored, and education is a critical part of this.

through firms' ability to introduce new and better production methods, and faster introduction of new technology. These externalities provide extra reason for being concerned about the quality of schooling.

Fortunately, instead of speaking only in vague terms, many studies quantify these effects. For example, OECD countries receive, on average, a net public return of US\$50,000 on each person they provide with a partially or fully subsidized tertiary education, which is a 100% return on the public investment made on individuals attaining this qualification (OECD 2009: 153). The public costs include teachers' salaries, school buildings, scholarships, and the loss of tax income while the individual is in school (158-159), and the public returns are generated through the lower social transfers needed for such individuals as well as the higher taxes they pay (154). Furthermore, these individuals also tend to consume more as a result of their increased earning power, which is behavior that leads to economic growth and benefits (160).<sup>57</sup>

However, such benefits are not limited to the developed world. In fact, education in developing countries generates returns of approximately 10% annually (*The Economist* 2009i). This is especially important to remember as investors increasingly look to these countries to generate higher returns than those offered by developed nations.

The consequences of not investing in a countrywide, quality education system are also well documented. For example, McKinsey & Company, a well-respected management consulting firm, recently studied the economic impact of the achievement gap between students of different ethnicities and in different economic circumstances in the United States. The study found the effects of the educational achievement gap translated into 'the equivalent of a permanent, deep recession in terms of the gap between actual and potential output in the economy' (McKinsey & Company 2009: 18). In fact,

By underutilizing such a large proportion of the country's human potential, the US economy is less rich in skills than it could be. The result is that American workers are, on average, less able to develop, master, and adapt to new productivity-enhancing technologies and methods than they could otherwise have been. Also, these achievement gaps have a clustering effect akin to eco-

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<sup>57</sup> According to the OECD (2009: 120), developed nations depend on a skilled workforce to enhance economic growth. In line with this, Harvard University economist Edward Glaeser (as cited in Dougherty 2009) found a city's economic success is directly correlated to the education level of its workforce. As a result, most municipal governments desire young, educated workers (Dougherty 2009), likely because they have longer economically productive horizons and do not drain pooled resources such as healthcare and other services for the elderly.

conomic dead zones, where communities with low-achieving local schools produce clusters of Americans largely unable to participate in the greater American economy due to a concentration of low skills, high unemployment, or high incarceration rates. (McKinsey & Company 2009: 17-18)

Unsurprisingly, the effects of underinvestment in education are not limited to the developed world. South Africa, for instance, has high levels of primary school enrollment, yet its economy does not record the expected gains. Studying this, economists at the University of Stellenbosch argue the country's poor quality of education hinders the economy by as much as R550 billion to R750 billion, or approximately US\$78 billion to US\$107 billion, annually (Gustafsson, van der Berg, Shepherd, & Burger 2009: 35).

Fortunately, one of the most appalling consequences of a lack of educational opportunities – child labor – is slowly being eliminated, and positive results – both economic and moral – have ensued.

Child labor is part of the vicious cycle of poverty and often both the cause and result of it (Fyfe 2007: 83). In certain areas, children often must work in order to help meet the basic, or even the survival, needs of their household, and yet this very act forces them to forgo the educational opportunities vital to not seeing the same fate perpetuated on their own children (ibid). In other words, their lack of education means they cannot obtain the jobs necessary to provide for their own families without also having their own children work from a young age. The economic aspects of child labor are as follows: Child labor increases the labor pool and thus decreases wages (ILO 2006: 20). By eliminating it, the supply of labor shrinks since only adults can participate in that market.<sup>58</sup> This has two main effects, both of which are encouraging (21). The first effect is to cause wages to increase in response to the decrease in the supply of labor (ibid). This, in turn, increases each earner's ability to provide for their household and eliminates the economic necessity of parents asking their children to work (ibid). The second effect is modernization (ibid). Companies that cannot afford the new wages are forced to innovate and automate, which also benefits the economy (ibid).

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<sup>58</sup> The ILO (2006: 62) also examines the link between child labor and youth unemployment. In areas where child labor is common, children may be placed in jobs otherwise either filled by young adults themselves or by technology that these adults are better equipped to manage (i.e., replace manual child labor by technology and young adults who can oversee that technology).

By taking a holistic approach to addressing the issue of child labor, organizations are reporting encouraging results (see Chapter 11). Still, more can be done. A 2004 study by the International Programme on the Elimination of Child Labour (IPEC) calculated the economic costs and benefits of eliminating child labor and replacing it with access to education. According to IPEC (2004: 2), the costs incurred for such a project include increasing the supply of education (e.g., building schools, hiring teachers, etc.), implementing an income transfer scheme to ease the financial burdens on families deprived of the child's income, and addressing the opportunity costs forgone by the household. Benefits were defined as the 'improved productivity and earning capacity associated with greater education' as well as the reduced health costs resulting from fewer work related injuries and illnesses (ibid). Assuming the program ran from 2000 to 2020, the global costs over the total period would be US\$760 billion versus benefits of US\$5.1 trillion (4). The net economic benefits as a percentage of annual Gross National Income during this same twenty-year period would range from just below 10% for Latin America to over 50% for sub-Saharan Africa, with a global average of just over 20% (5). While undiscounted economic benefits would be negative during the program's first several years, the benefits become positive around 2016 and then skyrocket, reflecting the delayed benefits of the initial investment (IPEC 2004: 6). It is thus important to note that this is a generational investment, although the economic and social benefits would last even longer (5).

### Improved labor productivity

The quality of a country's labor force, which is partially determined by the workforce's level of education, substantially impacts that country's GDP growth rates (Hanushek & Kimko 2000: 1200). As a result, increased labor productivity, a factor that contributes to, but is still separate from, economic growth, is another way that providing equality of opportunity leads to benefits for both benefactors and beneficiaries. Labor productivity is the output produced by a person per hour worked, and it is usually measured in terms of economic output. Increasing labor productivity may result in both higher wages and lower costs, savings that are often passed on to the end user.<sup>59</sup>

There are many ways to increase labor productivity. For example, technology often automates processes that were previously performed manually, meaning fewer people working can now,

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<sup>59</sup> For example, a worker who once produced goods worth US\$5 per hour now produces goods worth US\$7 per hour. This worker is now 40% more productive, and companies will often reward workers for these types of gains (or, in the case of unions, the unions will demand wage increases for the gains). At the same time, if labor is a material part of the cost to the end user, the end user will often gain from real price decreases as competitors undercut each other.

because of machines, produce the same or greater amount of output. However, like the access to ideas discussed in the previous section, education is an important part of allowing labor to take advantage of technology. People are, of course, necessary to invent the technology, and workers must be educated enough to learn how to use it.

The healthcare industry is a great example. One hundred years ago, less skilled healthcare workers primarily cared for the ill by changing sheets and bringing cooling cloths. Now, however, healthcare workers must know how to administer different medications and understand the readouts of complex machines. These highly specialized tasks require a certain amount of education in order to learn them properly. Being kind is no longer enough.

As this example indicates, labor productivity rests on the amount and quality of human capital available. Human capital's importance in economic growth is widely recognized, and health and education are the two most important elements in developing this capital (Baldacci, Clements, Gupta, & Cui 2008: 1317). The reasons are fairly obvious. As discussed in both this subsection and the previous one on economic growth, education is important to create new ideas and be able to take advantage of them. However, workers' health is also extremely important. People who are healthy are more productive because (1) they can work longer hours and (2) they can be more effective and efficient within each of those hours (1318).

South Africa is an excellent example of what happens when workers are not healthy. The country's high HIV/AIDS prevalence rate (17.8% of the population) may have impact GDP by as much as 18% (Lule & Haacker 2012: 116, 158, note the authors drew prevalence rates from UNAIDS data). Yet it is not the only country in such circumstances. Citing data from the World Bank, *The Economist* (2010k) reports malnutrition-related physical ailments lower low-income Asian countries' GDP by approximately 3 percent. This is often because such ailments impair children's physical and mental growth, which results in lower levels of productivity than those generated by people fed a more nutritious diet. This type of example reinforces the idea creating an equality of opportunity for all children must extend beyond education and into other areas that affect children's life prospects, a notion discussed in detail in Chapter 8.

#### *Reduces the budget deficit*

Most developed nations are running large deficits, and a common objection to the ideas contained in this dissertation would simply be that such programs are unaffordable. Why should we



devote scarce resources to paying for these programs when financial disaster may loom as a result?

First, as Chapter 11 argues, it is theoretically possible to pay for these programs without resorting to already overburdened government resources. Still, even assuming the state does provide these services, it is still financially advantageous over the long-term.

Social programs, including public healthcare (e.g, Britain's National Health Service), public insurance (e.g., Medicare and Medicaid in the U.S.), food stamps, and other forms of wealth transfers used counteract relative or absolute poverty and significantly drain public finances. However, by investing in children and providing them with the tools to succeed, societies can not only reduce the cost of social programs but turn them into net gains.

Unsurprisingly, it is more cost-effective to provide preventative measures such as early quality childhood care and education than to compensate for disadvantage later in life (UNESCO 2006: 12). The public returns on investment in education were detailed in the subsection on economic growth; however, education is not the only area in which positive investments can be made. Philip Graham (1992: 207), in making the case for a child's right to healthcare, argues 'in hard financial terms, there is a cost of bringing into the world, for however short a time, a being that consumes but is economically unproductive, and the cost of the time of the parent, especially the mother, in child upbringing. There is also the cost of the children who suffer these diseases but do not die, remaining instead handicapped and at least partly dependent throughout their lives.' As a result, it is in society's interest to provide the child with the healthcare necessary to not only sustain life in childhood but ensure the child is one day able to contribute to the society that so heavily invested in him.

Proper nutrition is also an important part of this investment. As noted elsewhere in this dissertation (especially Chapter 8), chronic malnutrition in childhood reduces a child's physical and cognitive capacities, and the effects can be last a lifetime. Children who are not able to reach their full cognitive and physical potential will be less economically productive than they would otherwise be. In more mild cases, this may simply mean they produce less economic output than was otherwise theoretically possible. In more serious cases, it may lead to a lifetime of higher susceptibility to illness and thus a higher drain on public resources. Mothers who were undernourished tend to have children who are also undernourished, and such effects last across



generations (UNICEF 2009d: 5). As UNICEF notes, ‘where undernutrition is widespread, these negative consequences for individuals translate into negative consequences for countries’ (ibid).

## **II. Benefit 2: Increased civil participation**

Extending an equality of opportunity to all children is advantageous for reasons beyond mere monetary gain. It can also be in the interests of individuals by increasing civil participation in ways that create a more just and stable society.

Ideally, increasing civil participation should enable democracies to work better and more efficiently. More widespread participation lessens the likelihood of power becoming concentrated in too few hands. It can also lead to a more diversified set of leaders who are better able to represent the needs of all of society. As discussed in the section on economic growth, ensuring a more just society, including a fair distribution of material wealth, generally results in making everyone better off since greater access to ideas leads to better innovation and higher economic growth. Stability also significantly reduces the likelihood of internal armed conflict, which is necessary to ensuring personal safety and the ability to pursue one’s own projects.

Unsurprisingly, societies with higher incomes tend to have better governance due to (1) a more educated population that is better able to hold the government accountable and (2) the ability to afford the investments necessary for high-quality governance (Sachs 2005: 312). Better governance is important since it is often necessary for ensuring appropriate social cooperation of the type described in Chapters 6 and 7. Societies with better governance tend to have lower levels of corruption, one of the factors that is directly responsible for better economic growth and access to resources.

Increased civil participation also helps to ensure stability under changing demographic and economic circumstances. In discussing the low performance of minority students on the SATs, an aptitude test often taken for admission into U.S. universities, Jack Jennings, the president of the Center on Education Policy, argued the importance of improving minority education as those racial demographics will soon constitute the majority (Hechinger 2009). Thus, it is within everyone’s interests to ensure that society is stable and just no matter who holds the reins of power at any particular moment.

### III. Benefit 3: Stronger national security

Increasing civil participation is important because it helps to manage the risk of turmoil and instability from within a country. But what about the risks posed by those from outside of a given society?

Chapter 6 devotes a significant amount of space to moral arguments for providing assistance to those outside of our own culture, ethnicity, or state because such things are morally arbitrary. Yet there are also strong pragmatic reasons to do so. Either knowingly or unknowingly perpetuating systems of injustice in other countries – or, at the very least, ignoring them completely – can foster an instability that engenders worldwide consequences.

Among the most dramatic examples are the events that occurred on 11 September 2001. Many experts argue a lack of education combined with few economic opportunities and general isolation fosters the conditions necessary for religious extremism. This extremism is, of course, one of the major factors in terrorism, and by reducing the conditions that often enable it, we can strengthen national security.

Speaking in the context of why states should render humanitarian assistance to other states, George Kent (2005: 218) argues we obtain more benefits from a well-ordered society than an anarchic one and thus have more benefits if we render assistance to others in order to create and maintain these well-ordered societies. In line with this, Jeffrey Sachs (2005: 329-331) argues ending extreme poverty will actually improve national security as there will be fewer easy recruits from desperately poor and uneducated populations. These types of actions can essentially be seen as enlightened self-interest (331). Such notions are easily applied to creating opportunities for children. By increasing their access to economic opportunities, children living in these societies are less likely to be drawn to ideas of extremism as otherwise idle time is redeployed to developing a different conception of the good.

In a similar vein, Thomas Nagel (1991: 69) argues it is not only economic inequality that troubles those concerned with the unequal distribution of resources but that such differences may support social or class stratification and inequalities in the enforcement of political rights. The enforcement of these rights is necessary to ensure the stability of the society.<sup>60</sup> For instance, a

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<sup>60</sup> Some critics may object, arguing that stability can also be ensured through the use of force. However, upon closer examination, such arguments do not hold. Burma (also known as Myanmar) and North Korea are excellent examples. Both countries are held together through the use of excessively op-

lack of appropriate rights enforcement was one of the major factors contributing to the Rwandan genocide, and the resulting outbreak of violence has led to regional instability in that part of Africa for the past 17 years (including the current conflict in the Democratic Republic of Congo).

Weak nations can also be a source of instability and contention between strong ones. Thomas Pogge (2001b: 8) argues that because the poor, 'illiterate and heavily preoccupied with the struggle to survive', can neither reward nor punish their rulers, they are more likely to be subjected to great oppression since these rulers will gain more by pandering to other agents, such as foreign governments. This pandering can result in contention.

The Cold War provides an excellent example. While the United States and USSR never formally engaged in physical hostilities, they fought many proxy wars across the world. In these wars, a government supported by one of the superpowers would fight domestic insurrections supported by the other one. Such proxy wars and their resulting civilian casualties would not have been as likely if stable regimes accountable to their citizens were in power.

Thus, ensuring an equality of opportunity for all children increases the likelihood they will be productively employed and significantly decreases tendencies towards armed conflict. In *The American Economic Review*, David Landes (1990: 12) concludes:

Where does that leave us? We are not going to give up, for that would go against one of the deepest values of our civilization: the Faustian urge, indeed the need, to shape our destiny, and everyone else's. For their good, of course. As for those who are not moved by altruism, they should recognize that it is not in their interest to allow extreme differences to subsist. We want to, we also have to improve the condition of the laggards. In the long run, of course, it is cheaper to do so by helping them to help themselves, but in the meantime, we must do for them. (As the old proverb puts it, it is better to teach a man to fish than to give him fish; but the quickest way to put fish on the table is to put it there.) They may not catch up, they may continue to lag, but they can become much better off. So long as we do not succeed in this, as now for example, we shall find that they export violence and people (i.e., their substance) instead of goods and services.

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pressive practices supported by threats of extreme punishment. Yet just below the superficial calm and stability such practices appear to produce, one can see evidence of extreme instability. Should either regime collapse, large numbers of refugees and financial collapse will ensue. Such outcomes would have serious consequences for each state's neighbors, and many political analysts cite such possibilities as one of the primary reasons for China's steadfast support of both regimes.

#### IV. Benefit 4: Reduced population growth

As shown in Chapter 11, the human population has exploded in the past few hundred years. Many people are concerned about the effects of such unchecked growth and argue that the earth's limited resources simply cannot support much larger numbers of people. For those who have such concerns, it is important to note extending an equality of opportunity to all children will likely reduce this exponential population growth.

The current worldwide fertility rate, defined as 'the average number of children born to a woman during her lifetime', is 2.5, although this masks sharp differences (Population Reference Bureau 2010: 6, 17). In developed nations, the fertility rate, at 1.7, is below replacement level while in less developed and the least developed nations it is 2.7 and 4.5, respectively (6).

The magnitude of these differences is easily seen in the population growth rates of developed and developing nations. The population in developed nations has remained relatively flat at about one billion since 1950 and is expected to remain there well into the foreseeable future (3). However, the population in less developed nations has exploded over the past 60 years, growing from almost two billion in 1950 to approximately six billion today (*ibid*). By 2050, the population in less developed nations will reach eight billion, bringing the world's total population to nine billion people (*ibid*).

Such statistics clearly show that there is a correlation between how developed a nation is and its average fertility rates. But do such correlations reflect causal relationships?

They do. The Population Reference Bureau published data showing that women who live in developing nations and have an education of secondary school or higher have fertility rates that are 40% to 60% lower than their less educated counterparts (4). Education – and the access to economic opportunities it brings – makes a difference. As Jeffrey Sachs (2005: 323) notes, developing a generation that is educated and productive will go a long way toward ending our population explosion given better educated, more economically productive individuals tend to have fewer children.

In addition to not straining the earth's resources, falling fertility among the deprived also reduces strain on social services.<sup>61</sup> According to a study by David Gordon and his colleagues (2003: 77), in the developing world, larger households (i.e., those that contain more children) are more likely to be classified as deprived than those with fewer children (ibid). This is for two reasons. First, out of economic and social necessity (such as ensuring financial assistance in old age), poorer households tend to have more children. Secondly, because these households already had less material wealth, they have more children (and thus more needs) spread over a smaller resource base. This lack of resources results in the greater need for the social services surrounding nutrition (e.g., food stamps) and healthcare. Thus, falling fertility rates can help not only the earth's resources but also the government's.<sup>62</sup>

## V. Benefit 5: Enhanced quality of life

Extending an equality of opportunity to all children can also enhance our quality of life in non-financial, non-economic ways. These areas include the benefits that come from innovation and technology, reduced crime, and better health.

### Better innovation and technology

Previous sections already examined the economic benefits of better innovation and technology, but there are non-financial benefits, too. For example, better medical care has resulted in exponential increases in life expectancy, and certain scourges of humanity such as smallpox have been eliminated. Computers allow loved ones to stay in touch across borders, and portable music players mean one can have their personal selection of music as they run, work, or sit outside. The ease and convenience of modern life depends on this technology.

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<sup>61</sup> It is important to understand this dissertation is not arguing the poor should not have children and in no way makes a case for any form of eugenics. Instead, it simply argues lower fertility rates result in less people and thus present less strain on the earth's resources. One way to ensure that fertility rates fall is to create access to educational and economic opportunities since people with more material wealth are likely to have fewer children.

<sup>62</sup> Interesting, research from Louise Grogan (2012) at the University of Guelph shows a casual relation between increased electrification and decreased fertility rates among women. However, there is a limit to these gains. If fertility rates fall below replacement level – a phenomenon happening in several Western European countries as well as certain East Asian nations such as China and Japan – the higher proportion of elderly people who can no longer work will represent a significant strain on public medical and pension schemes since the working age population proportionately shrinks and is thus unable to contribute as much as it once did. For example, a nation that has four working, tax-contributing persons for each elderly, social taxing non-working person is much better off than a nation with a 2:1 ratio since in the latter, each working person must contribute twice as much to ensure the same lifestyle for the non-workers.

Yet someone must create this technology, and education plays a critical role in producing these types of people. After all, how we train the children of our society will determine what type of society we have in the future. In a speech United States President Barack Obama (2009a) gave to schoolchildren, he explicitly linked the education they receive now to their ability to solve future problems in medicine, poverty, and pollution. He also linked this education to the ability of the children to continue economic progress in the future (ibid).

The OECD (2009: 31-32) reports a knowledge-based economy requires a highly skilled labor force with a tertiary education. In fact,

While basic competencies are generally considered important for the absorption of new technologies, high-level competencies are critical for the creation of new knowledge, technologies and innovation. For countries near the technology frontier, this implies that the share of highly educated workers in the labour force is an important determinant of economic growth and social development. There is also mounting evidence that individuals with high level skills generate relatively large amounts of knowledge creation and ways of using it, which in turn suggests that investing in excellence may benefit all. This happens, for example, because highly skilled individuals create innovations in various areas (for example, organisation, marketing, design) that benefit all or that boost technological progress at the frontier. Research has also shown that the effect of the skill level at one standard deviation above the mean in the International Adult Literacy Study on economic growth is about six times larger than the effect of the skill level at one standard deviation below the mean. (OECD 2009: 80-81)

Thus, in order to continue the innovation that has made life in the developed world far easier than it was two hundred years ago, it is important to educate children and allow them access to the opportunities necessary to create new technology.

### Reduced crime

There are two prevailing views on crime: (1) it is a result of economic distress and will improve when economic conditions improve and (2) it is pathological and will persist in all economic conditions (Hannon & Defronzo 1998: 383). Yet the second view appears to be unfounded. A 1998 study by Lance Hannon and James Defronzo concluded reducing poverty has a causal relation to reducing crime (389). Their arguments have company.

Young people in Africa who are unemployed and do not participate in society are more likely to be violent, often recruited into gangs for very little cost (*The Economist* 2009b). However, if employment was more prevalent, the opportunity costs of being associated with these gains would increase dramatically, which would likely result in falling crime.

As is true elsewhere in this chapter, education plays a significant role. Lance Lochner and Enrico Moretti (2004) argue the benefits of education extend beyond private returns to the individual and actually result in positive economic returns to society at large. They proceed to argue education has an even larger social benefit in the form of reduced crime. Their study, which was limited to the United States, showed increased education results in lower incarceration rates, especially for blacks, and better high school graduation rates result in lower arrests for crime, with the greatest impacts on arrests for murder, assault, and vehicle theft (Lochner & Moretti 2004: 156-157). The authors then estimate a 1% increase in male high school graduation rates would result in savings of \$1.4 billion annually,<sup>63</sup> which translates into \$2,100 per graduate in social benefits per year (157, 181, 183). These lower incarceration rates would reflect lower crime levels, and such social gains would be reflected in the quality of life for all those living in society.<sup>64</sup>

### Improved health

Thomas Scanlon (1998: 137) observes ‘...insofar as a moral theory needs to provide some justification for morality as a whole – some answer to the question “Why be moral?” – it might seem, again, that this is best supplied by showing how morality contributes to each person’s well-being’. Health is intricately tied to well-being, and thus the possibility of better health should provide a strong pragmatic reason for extending an equality of opportunity to all children.

Anton van Niekerk (2005b: 93, 99) argues improving healthcare in the developing world is not only moral but also pragmatic. For example, because of globalization, diseases such as HIV/AIDS and swine flu can often begin in developing nations but quickly spread to have costly effects in developed ones.<sup>65</sup> Extending better healthcare to the unfortunate who live in

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<sup>63</sup> These savings would come through reduced costs associated with lower incarceration rates, among other findings.

<sup>64</sup> A controversial 2001 study argued the data showed the legalization of abortion in the United States actually resulted in lower crime rates (Donohue & Levitt). While this dissertation takes no position on the morality of abortion, it is important to understand that such a study highlights those committing crimes are often unwanted and thus the most vulnerable. If measures can be taken to reduce this vulnerability, crime should fall.

<sup>65</sup> While the possibility of being sickened by one of these diseases should provide sufficient reason for action, a lack of healthcare hampers the quality of life in other areas discussed in this chapter. For ex-

other countries can improve these statistics. Furthermore, specifically extending such healthcare to children allows them to develop healthier immune systems that are less prone to illness as adults. It is thus a pragmatic course of action.

The act of volunteering has also been established to result in better health. A 1999 study found volunteering can improve people's health and concluded that there was a causal link between volunteering and people's subjective well-being (Wilson & Musick 1999: 160-161). A more recent analysis of data gathered from people living in Wisconsin, a northern state in the United States, showed volunteering had a positive causal effect on the volunteer's psychological well-being (Piliavin & Siegl 2007: 461). Yet another study, this time authored by Peggy Thoits and Lyndi Hewitt (2001: 126), concluded:

...the more hours of volunteer work, the greater a person's happiness, life satisfaction, self-esteem, sense of mastery, and physical health, and the lower his or her depression. These effects of volunteerism hold even after individuals' participation in other voluntary groups and their prior levels of personal well-being have been controlled. In short, volunteer service is beneficial to personal well-being independent of other forms of religious and secular community participation.

Such studies consistently show contributing to the well-being of others through volunteering – a concept discussed in greater detail in Chapter 11 – enhances one's own well-being, thus providing a pragmatic reason for helping others even under the narrowest of definitions of self-interests.

## **VI. Benefit 6: Reciprocity**

An academic study from the University of Cape Town's Graduate School of Business examined why poor people in southern Africa helped each other and found the ratio of altruism, reciprocity, and co-operation was approximately 10:65:25 (Wilkinson-Maposa et al., 2009: xii). This strong showing for reciprocity, meaning, in its simplest form, 'I will help you now so you will help me later' displays pragmatic reasoning and self-interests. Yet, viewed in a larger sense, it is also applicable here.

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ample, the HIV/AIDS pandemic in Africa has resulted in diminished productivity since it often removes people from working society while they are still in their prime. Not only does this strip the world from their possible innovations, it also results in millions of uneducated orphans (see Chapter 3) who are thus more vulnerable to and easily swayed by wars and dirty politics, both of which, as discussed in a previous section, can threaten national security.



Most people with obligations to create an equality of opportunity will not be affected by reciprocity in the narrowest sense of the word. For example, it is unlikely a person living in Germany who feeds a hungry Indian child today will be in need of that same child feeding him tomorrow. Yet reciprocity in a much broader sense can still exist. By doing his part to improve society at large, a culture can be created from which an individual can benefit in times of his own need. For example, the recent economic crisis in the United States saw previously middle class families going to food banks in order to meet basic needs. If these families, who, along with food manufacturers, are often the primary contributors to such organizations,<sup>66</sup> had not perpetuated these organizations during better times, such entities would not exist when times had soured and benefactors became beneficiaries. Thus, agents can experience reciprocity in the wider sense by creating a culture that cares for those in need.

## VII. Conclusion

In an ideal world, agents would fulfill their obligations to extend an equality of opportunity to all children based solely on the strength of the moral arguments to do so. However, some theorists doubt most agents will ever act outside of a narrow definition of self-interest. While it is empirically untrue that most agents do this, this dissertation recognizes that a minority of agents will not, in fact, act outside of these interests. As a result, this chapter has laid out several pragmatic reasons – economic and otherwise – to fulfill these obligations. The next chapter turns to the moral arguments for doing so.

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<sup>66</sup> As detailed in Chapter 11, the richer classes tend to donate more to arts and hospitals than to mundane organizations such as food banks. As a result, these organizations generally rely on the middle and working classes as the primary sources for individual contributions.

## The Nature of Moral Obligations

### Chapter 6

In order to understand our moral obligations to others – in this case, to children – we must first understand the nature of moral obligations. This chapter specifically focuses on beneficent obligations, including what they are, to whom they are owed, and how globalization impacts them. The ideas contained in this chapter will then be used as a basis for the arguments developed in Chapter 7.

#### I. Morals and moral thinking

The majority of people consider philosophy quite impractical, consisting of nothing more than Delphic answers to a series of generally recondite inquiries. While some philosophers display these tendencies, it seems to me, in moral philosophy at least, such popular conceptions are untrue. Robert Louden (1988: 375, emphasis in the original) rightly contends ‘*all* serious questions about what to do and how to live are...ethical and/or political questions’. Indeed, it appears, upon reflection, the answers to most important questions rely on the foundational judgments moral philosophy seeks to address.

Moral philosophy specifically examines normative claims and value judgments in order to understand the best way to live and includes significant inquiry into how to define this ‘best’ way. Richard Norman (1998: 1) defines moral philosophy as ‘the attempt to arrive at an understanding of the nature of human values, of how we ought to live, and of what constitutes right conduct’. To state the obvious, moral philosophy investigates the nature of morality, including what it is, its aims, and how to achieve them. For Philip Stratton-Lake (2007: 7), “‘morality’ is commonly understood to refer to a diverse set of values with distinct normative bases’. Because Tom Beauchamp (2010: 198) subscribes to the common morality theory of moral philosophy (detailed in Chapter 7), he defines ‘morality’ slightly more narrowly than Norman and Stratton-Lake, describing it as ‘a single informal public system of norms with authority to guide the actions of all persons capable of moral agency in their behavior that affects others; its goal is to prevent or limit problems of indifference, conflict, hostility, vulnerability, scarce resources, and the like’. Beauchamp’s emphasis on indifference, vulnerability, and scarce resources seems appropriate since such constraints often cause society not to flourish, which, Beauchamp contends, is the objective of morality (176). Thus, in our moral thinking,

We are trying to understand our own needs as human beings, our relations to one another, our commitments and obligations to one another, and our relations to the non-human world, and we are trying to understand how we should live in the light of all this. There are no simple answers, any more than there are in any other area of enquiry. (Norman 1998: 225)

Still, as Norman maintains, such inquiries are similar to scientific investigations in that they are rational and objective (ibid). We shall proceed with our study of beneficent obligations in just such a fashion.<sup>67</sup>

## II. The nature of moral obligations

Morality entails a set or series of moral obligations, and these obligations are not actions we *ought* to do but actions we are *bound* to do, meaning we are required to do such things (Clinton 1993: 292). Although these obligations may be neither desired or welcomed, they remain binding (ibid). However, such obligations are not absolute and may be overridden by other obligations that are more important or pressing (ibid). Still, this does not mean these obligations have ceased to exist but only that they have been overridden (Prichard as cited in Clinton 1993: 292).

Don Locke (as cited in Clinton 1993: 293) contends moral obligations occur within a social context, engendering the cooperation and trust necessary to allow people to live together peacefully. Other philosophers consider moral obligations to occur within a much wider context, particularly in terms of our treatment of animals and the environment. However one may frame it (e.g., in a narrow, anthropocentric sense or in a larger, ecosystem context), it is important to note moral obligations arise only when we interact with other people, creatures, or, in the case of the environment, structures and must make decisions that will have consequences beyond the decision-maker. It is the consequences of these decisions that give rise to moral claims and obligations.

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<sup>67</sup> There appears to be no universal standard for the distinction between ‘morality’ and ‘ethics’, with much of the literature providing mutually exclusive views (e.g., the definition of ‘morality’ for one philosopher is the same definition provided for ‘ethics’ for a different philosopher). One of the more plausible distinctions is that ‘morality’ is an observable phenomenon in which behavior is subjected to others’ blame or approval whereas ‘ethics’ is the intellectual endeavor that studies the basis for such normative judgments (Anton van Niekerk, personal communication, 2 August 2012). Because this dissertation is specifically concerned with the intellectual arguments for what actions individuals should perform to help children, it will not delve deeply into this distinction.

### III. Obligations of beneficence

Traditional conceptions of morality focus on an agent's self-perfection as opposed to the welfare of others, although this should be confused with neither narcissistic individualism nor ethical egoism since these traditional conceptions of morality always incorporated the need to account of others' welfare into one's own self-perfection (Louden 1988: 365, 369). The rise of Christianity, however, ushered in a view of altruism<sup>68</sup> that ancient ethical theories did not hold (Norman 1998: 49). Platonic and Aristotelian theories, while conducive to altruism, still centered on an agent's own happiness (ibid). Christianity, on the other hand, held altruistic acts to be an essential part of moral life despite the costs to or feelings of the agent (e.g., the Biblical parable of the good Samaritan).<sup>69</sup> Nietzsche (2009: I.10), of course, railed against Christianity's emphasis on altruistic acts, deriding it as 'slave morality'.

John Stuart Mill (2005: 34) holds a significantly different view of altruism's place in these moral theories. He contends the ancient Greeks valued altruism while the rise of Christianity and its emphasis on heaven and hell made people far more self-interested by disconnecting the idea of duty from the interests of others (ibid). Like Nietzsche, Mill also expresses concern that Christian ethics tends to result in a 'servile type of character',<sup>70</sup> although only because it prioritizes serving a Supreme Will over performing actions that strive towards the concept of supreme goodness (35).

In modern society, people generally think of morality as forbidding rather than requiring certain acts (Norman 1998: 78). A principle of non-maleficence, meaning the principle to do no harm, dominates our moral thinking on an individual level, although, as Chapter 7 explores, not always on an institutional one. As Richard Norman notes, 'the popular conception of morality...is commonly thought of as setting limits to what we can do, forbidding instead of requiring' (ibid).

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<sup>68</sup> Albert Jonsen (1990: 5) defines self-interest as 'the principle that one should act so as to promote for oneself the values of preservation, growth, and happiness; even good done for others must redound to one's own good' and defines altruism as 'the principle that one should act so as to promote the preservation, growth, and happiness of other persons even to the detriment of one's own interests'. While these definitions assume a very narrow view of self-interest, something Amartya Sen rails against (see Chapter 7), they are sufficient for the discussion here.

<sup>69</sup> The Christian religion will not be analyzed, although one of the central tenets of the religion is to "love thy neighbor as thyself," and subsequent moral theories have been significantly impacted by this maxim (Norman 1998: 49).

<sup>70</sup> To be fair, Mill (2005: 34) notes self-interest is not necessarily inherent in Christian ethics but has largely trended towards such.

In his esteemed work *The Right and the Good*, W. D. Ross (1930: 22) argues non-maleficence is our primary duty. This notion has been reinforced by the Anglo-American legal and moral tradition that concentrates on negative duties, not positive ones (Pogge 1989: 34). Consequently, people in modern society tend to believe – usually with neither contemplation nor reflection – sins of commission are morally worse than acts of omission (Singer 2009: 136).

### *The minimalist ethic*

In our time of unprecedented wealth and comfort in the developed world, it can be difficult for individuals living in high-income countries to reflect on and understand the need to cooperate and be altruistic. In fact, it was not until (relatively) recently that cultures have ‘systematically tried to forswear communal goals’ (Callahan 1981: 20). Anthony Giddens’ notion of modernity’s ‘disembedding mechanisms’, a concept further discussed in Chapter 7, contributes to this, since it is more difficult to appreciate the need to cooperate with others when we live in prosperous cities that supply us with jobs and, should they fail to do so, governments that, while possibly involving significant changes in lifestyle, will still generally ensure that we are able to eat and educate our children.

The difficulty in comprehending the importance of cooperation and beneficence in these moneyed conditions is further exacerbated by the rise and domination of what Daniel Callahan (1981) terms the ‘minimalist ethic’ prevalent in Western culture. Callahan wrote on minimalist ethics thirty years ago during the economically difficult early 1980s. He was concerned that the morality dominant in America during affluent times – including the prioritization of the individual over the community, the toleration and perceived equality of all moral viewpoints, and the emphasis on autonomy and informed consent – would lead to ‘moral chaos or maybe worse’ should the economy significantly weaken (19). Complete autonomy, he argued, requires health and wealth (ibid), and it is, at best, difficult and, most likely, impossible to ensure both of these conditions. Hard times, on the other hand, ‘require self-sacrifice and altruism’, two characteristics not essential to an ethics that prioritizes moral autonomy (ibid). Unfortunately, because moral autonomy, by its very definition, focuses on independence, valuing community and the common good – two features often essential to managing through difficult times – are lost (ibid). In fact, ‘hard times need a broad sense of duty toward others, especially those out of sight – but an ethic of autonomy stresses responsibility only for one’s freely chosen, consenting adult relationships’ (ibid).

The minimalist ethic contains a sole, simple proposition: ‘One may morally act in any way one chooses so far as one does not do harm to others’ (20). He contends this ethic means we may judge people’s actions based only upon whether they harm others, and the way such actions may aid others garners no consideration (ibid). He argues this minimalist ethic is a misappropriation of John Stuart Mill’s arguments in *On Liberty* and contends Mill thought that such a principle should only govern relations between the individual and the state, not all moral life (ibid).

Callahan maintains the morality of the minimalist ethic is attractive to people in wealthy societies precisely because morality, if solely defined in the Hobbesian sense of cooperation with others to ensure conditions in which individuals can flourish, is not generally necessary under such conditions (19). When employment, food, and education are only moderately scarce and buttressed by a functioning welfare scheme, people can afford to be more egoistical since it is unlikely that they will need to directly rely upon other people should life circumstances become moderately more difficult.

Many philosophers agree with Callahan’s assessment of the pervasiveness and dangers associated with a minimalist ethic in modern society. Peter Singer (2009: 18) encapsulates the dominant view when he says that most people assume that if we do not harm others, our behavior is morally acceptable. John Stuart Mill (2005: 11) provides an apt reply: ‘To make any one answerable for doing evil to others, is the rule; to make him answerable for not preventing evil, is, comparatively speaking, the exception. Yet there are many cases clear enough and grave enough to justify that exception.’

#### *A response to this ethic*

For Callahan (1981: 20), the minimalist ethic’s dominance in Western culture has several consequences, including its ‘thin and shriveled notion of personal and public morality’. In this morality, ‘altruism, beneficence, and self-sacrifice beyond that tight circle [e.g., family and close friends] are in no sense moral obligations and, in any case, cannot be universally required’ (20). While a minimalist ethic is not a ‘single, coherent, well-developed ethical theory’ (21), its perceived prevalence in modern society merits a response.

First, the theory of the minimalist ethic, however incomplete it may be, poses significant problems for society if it were to truly operate on a large scale. Callahan rightly questions the consequences of such an ethic, asking ‘Why should we believe that the sum total of private, self-

interested acts that do no ostensible harm to others will add up to a favorable societal outcome?’ (24), a view supported by Marx, who contended the emphasis on non-maleficence serves to reinforce selfishness and egotism (Wernar 2007). In fact, it seems that a series of self-interested acts by a substantial number of individuals would eventually return society to the frightening state of nature Thomas Hobbes so vividly described. According to him, in the state of nature, which is man’s natural state primarily characterized by a mistrust of and lack of cooperation with others, man experiences life as ‘solitary, poore, nasty, brutish, and short’ (Hobbes 1914: 65). Morality is essential to avoiding such a state because it creates the conditions man needs to flourish (67). Altruism and beneficence are a vital part of promoting these conditions. Kant (1998: 4:423) concurs, contending that without benevolence, humanity could well subsist, although not in a state anyone would find desirable.

Callahan (1981: 21) also questions ‘the culture of...rigid and rigorous toleration’ a minimalist ethic imposes. The ethic demands that agents’ actions not be questioned unless direct public harm is shown (ibid), which can lead to negative long-term consequences. An excellent example is America’s current demand for illicit drugs, including marijuana. Individuals living in the United States often justify their decision to smoke marijuana by claiming it harms no one but themselves. In a very narrow, direct sense, this may be true, and it renders many critics silent. However, in a larger sense, the claim is empirically false. Mexican drug cartels derive approximately 20% of their profits from marijuana (Kilmer, Caulkins, Bond, & Reuter 2010: 3), and these cartels have been responsible for over 34,000 deaths between December 2006 and December 2010. Furthermore illegal, large-scale marijuana growers in the United States have been responsible for clearing swathes of forest and starting forest fires, resulting in further damages (Grad & Chong 2009). Thus, an individual’s action may, in a narrow sense, cause no harm, but the minimalist ethic often fails to account for the wider context in which our actions occur. In this wider context, individuals’ actions may cause significantly more harm than they realize.

Some may argue the minimalist ethic as currently practiced (i.e., in an *ad hoc*, incomplete form) appears to work for many people in society. It has encouraged a more open, tolerant culture free from the often unyielding and incorrect dogmas of the past. In fact, this focus on the individual and his own interests has encouraged the very innovation and economic growth that created the prosperous societies in which people live.

There are several responses to this. First, it seems the minimalist ethic is not nearly as widespread as people perceive it to be. David Hume considered our ability to be affected by the pleasure or pain of others to have a central place in morality (Norman 1998: 53). Most ethical theories, including deontology, consequentialism, and virtue ethics, account for this, and there appears to be a large disconnect between the number of people in modern culture who verbally ascribe to an ethics focused on non-maleficence and the much smaller number who fully act in accordance with it.

While many people in the developed world pay lip service to the minimalist ethic, their private acts and decisions are often not made in accordance with it. Even America, a society that heavily emphasizes the individual, encourages philanthropy and volunteer work. Across the Atlantic, voters across Europe tolerate higher taxes in return for a stronger welfare state, with voters in Britain especially keen to ensure a certain percentage of their taxes is apportioned for overseas development aid. In 2010, voters in Australia railed against the government's decision to scrap a climate change policy even though it would translate into higher energy costs; the government eventually relented.

As detailed in Section IV of this chapter, globalization is also highlighting the emptiness of the minimalist ethic. People are becoming more aware of the direness of others' predicaments, even when they live thousands of miles away. Furthermore, international NGOs and pressure groups are now organized and prominent enough to educate people living in more affluent circumstances on why and how their actions directly impact the livelihoods of others, even when they live in different nations.<sup>71</sup> In the wider context of global poverty and need, a minimalist ethic that may somewhat function in comfortable, high-income countries simply has no place in a larger, global society containing so much misery and deprivation.

#### *A few caveats*

It is important to note some philosophers contend even the negative duties contained in obligations of non-maleficence are unreasonable. According to Richard Rorty (1989: 196), Nietzsche implied 'the end of religion and metaphysics should mean the end of our attempts not to be cruel'. In fact, for Nietzsche (2009: I.10), sympathy served as nothing more than a mask for resentment. These views, however, are generally quite extreme and not commonly held, so they will not be addressed here.

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<sup>71</sup> For example, new clothes bought in Europe may be made by factories employing child labor or other harmful manufacturing practices.



Others, such as George Kent, appear to conceive of obligations primarily within the context of human rights. Kent (2005: 103) argues ‘all parties – all governments, all organizations, all individuals – are obligated in some ways by human rights, at least morally, if not explicitly in the law’. Kent then proceeds to state in the case of moral human rights, it is difficult to determine what those obligations are, a position that does not seem particularly helpful (ibid). Instead, this dissertation will respond to popular emphasis on non-maleficence and argue the restraint from harming others is not sufficient for morally good behavior. As a result, we must radically reconsider how we view both our moral obligations and ourselves.

#### **IV. Globalization and its impact on moral obligations**

Globalization is changing the way we consider moral obligations. Many people – both philosophers and non-philosophers – still primarily conceptualize moral obligations in terms of an agent’s community. This view of morality may be a legacy of two types of historical relations. First, until the relatively recent invention of modern transportation and communication, people primarily interacted only with those living in their communities. People living far away were either unknown or poorly understood. Secondly, hostility between nations or groups has occurred for most of human history, and assisting people in another place one day may not prevent them from invading you the next. Under these circumstances, it was better to develop and strengthen community bonds in order to protect against external threats than it was to assist outsiders. Still, as this section will show, globalization has significantly changed we interact with these outsiders, and this change in relations impacts our moral obligations.

##### *Definition of globalization*

The term *globalization* is used to denote an array of ideas in contemporary philosophical, political, and economic thought. Popular concepts and meanings covered under the word include: (1) capitalism, (2) the strong influence of western culture, (3) the rapid increase in the invention and use of new technologies, and (4) the idea that humanity may achieve harmony in such a way as to end social conflict (Scheuerman 2006). While social theorists have developed more precise definitions, major disagreements still exist (ibid).

Charles Beitz (2009: 14) argues the term *globalization* is not easily defined, although he notes components of it include the growth and integration of international trade, finance, and development; the increasing influence of international NGOs; and the movement of certain aspects of

culture, including food, entertainment, and fashion, across borders. Georg Sørensen (2007: 67) also discusses globalization in generally vague terms, stating the most basic understanding of the concept is simply that it ‘makes the world hang together more closely’. However, he defines the term ‘in the broadest sense’ as ‘the expansion and intensification of economic, political, social, and cultural relations across borders’, arguing globalization cannot be contained within a single theory since it encompasses so many phenomena (65, 67). Instead, theories must be content to focus on different aspects of the concept (67).

Allen Buchanan attempts a more focused definition of globalization, which he terms the ‘global basic structure’. He defines this as ‘a set of economic and political institutions that has profound and enduring effects on the distribution of burdens and benefits among peoples and individuals around the world’ characterized by international economic agreements and financial arrangements as well as a more globalized protection of property rights (Buchanan 2000: 705-706).

Finally, Göran Collste (2007: 116) defines globalization as ‘processes and relationships (social, economic, political, cultural, and so forth) that transcend national borders that link distant places and peoples and are spontaneous rather than the result of political decisions’. The idea that globalization’s processes and relationships must be spontaneous, by which I assume the author means ‘non-political’, seems rather odd since the signing of a free trade agreement between countries would rather uncontroversially be categorized under globalization despite the politics involved in designing such a pact. Still, like the two definitions preceeding it, this description includes the compression of the concepts of time and space relative to social activity, which reduces the need for and prominence of local and national boundaries in many areas, including science, art, medicine, and travel (Scheuerman 2006).

### *The rise of economic globalization*

Economic globalization is not a new phenomenon, and various aspects of it date back to the early 19<sup>th</sup> century. Yet the term became widespread only in the 1990s (ibid). While not scientific, mentions of the word *globalization* in *The Economist*, an international news magazine focusing on global issues, provide a rough indication of the increasing prominence of both the concept and use of the term in modern life. According to the magazine’s own archive search, it first used the term in 1961; however, the word did not begin to appear consistently until the mid-1980’s, although it did so infrequently (*The Economist* 2009h). By the late 1990s, it appeared regularly (ibid), reflecting the rise of global trade and the interdependence of global finance.

The invention and spread of high-speed technologies such as trains, airplanes, and automobiles (Scheuerman 2006) as well as a modern banking and financial system that better facilitates global

Global Trade: Value of World Exports					
	1870	1913	1950	1973	1998
Value of World Exports at Constant Prices (million 1990 dollars)	\$ 50,345	\$ 212,425	\$ 295,621	\$1,690,648	\$5,817,080
World Merchandise Exports as a Percentage of World GDP (1990 prices)	4.6%	7.9%	5.5%	10.5%	17.2%

Source: Maddison 2001: 362 - 363

trade has enabled economic transactions that extend well beyond local and national borders and thus the rise of globalization. As shown in the table below, the value of world exports increased *115-fold* (in constant prices) between 1870 and 1998, with every region showing remarkable gains (Maddison 2001: 362).

#### Globalization: causes

Substantial disagreement on the causes of globalization exists, with some theorists focusing on economics while others question that approach (Scheuerman 2006). Further complicating an examination into the causes of globalization is the fact that many of the concepts identified with it can be considered both causes and consequences (Georg Sørensen (2007: 65). Yet globalization's causes are largely associated with certain trends, including:

- *Modern technology*: This term includes an array of inventions, including transportation, communication, and technological. As noted before, the rise of high speed transportation such as airplanes, modern ships, and automobiles has enabled the expeditious transfer of goods globally, thus allowing goods produced in one location to be sold in another located thousands of miles away (e.g., shipping fruit from South America to North America; manufacturing cellular telephones in China for sale in Europe). Modern communication networks, including high speed internet, further connect people in ways that better facilitate economic transactions and cultural interactions. Finally, modern technology such as computers and software for banking systems provides an unprecedented ease for trade and payment systems.
- *The rise of the global media*: The 20<sup>th</sup> century ushered in a new era of connectedness when television and, later, the internet, enabled the global media to write about and beam images of events thousands of miles away into people's homes. At the same time, increasing literacy and education rates across the world have better enabled recipients to understand the causes and consequences of such occurrences, and the utter poverty in which many people live.

- *International non-governmental organizations*: Propelled in part by the ability of the global media to spread their messages, some NGOs (e.g., Amnesty International, World Wildlife Fund, The Bill & Melinda Gates Foundation) have become international in scope and reach. This has enabled them to identify and address environmental, social, and political issues far from their traditional base and garner the political, popular, and financial support necessary to address these problems.

### Globalization: effects

William Scheuerman (2006) contends globalization substantially impacts ‘virtually every facet of human life’. This impact ranges from the practical to the philosophical, and the effects of globalization will be explored under both of these categories. It is important to note, at the outset, that globalization is a long-term process (ibid), and some of these effects will be less established and developed than others.

The practical issues will be examined by considering how more abstract trends are leading to changing relations between people. Above all else, globalization is compressing time and space, and this compression appears to be magnifying globalization’s effects. To state the obvious, the compression of time space neither quickens the actual passage of time nor reduces the actual dimensions of a certain physical area. Instead, it refers to the changes in the way we *perceive* time and space. For example, South Africa is no longer considered the exotic, faraway place the Dutch once thought it to be. Transportation is partially responsible for this. An eleven-hour plane flight with a personal entertainment system is far more accessible than a months long, treacherous journey by a 17<sup>th</sup> century ship. By dramatically reducing the time it takes to travel from one location to another, modern transportation has not only quickened the pace at which people and goods move between locations, it has changed the way we perceive the distance between those locations.

Globalization has also led to deterritorialization, meaning the range of social activities, including collaborations in business and science, that are now able to take place regardless of participants’ geographic locations (ibid). For example, before the most recent financial crisis, a family in Poland was able to finance a euro-denominated home loan from a German bank, thus allowing the borrower to take advantage of substantially lower interest rates available through euro-denominated loans (as opposed to those dominated in the Polish zloty). However, the subprime mortgage crisis in the United States sent systemic shocks through the global financial system,

which may have caused the example Polish family to default on their mortgage due to the zloty's sizeable appreciation against the euro in 2008. The 2008 food crisis provides another example. In that year, a range of forces conspired to drive up food prices, impacting millions of people's ability to feed themselves. First, developed countries' demand for Chinese-manufactured goods led to better incomes. This, in turn, significantly increased the demand for meat, a much more expensive food item than vegetables. The amount of feedstock necessary to raise animals for meat is substantial, and the demand for this feed increased the price of many vegetables. At the same time, higher demand for environmentally friendly biofuels exacerbated these increases since corn (maize) normally grown for food was now diverted to fuels, which reduced the overall supply of food. These two trends combined with a poor harvest that year, thus further decreasing supply and sending overall food prices skyrocketing. This, in turn, forced many people in poor nations – including those in Africa who played no other part in many of these trends – to reduce their food consumption. As these two examples illustrates, deterritorialization has so greatly increased the interconnectedness between people that events and forces not within a person's immediate geographic location may still impact them greatly (Scheuerman 2006). In part because of this, it appears that most people, not only professional philosophers, economists, and business people, are aware of globalization.

In line with this, Anthony Giddens (1990: 19) argues the very nature of modernity (which, I would argue, encompasses globalization) means people, formally primarily affected only by local events, are now 'thoroughly penetrated and shaped in terms of social influences quite distant from them'. For example, because of the rise of email and social networking sites, people no longer need to be in the same space or even the same period of time to communicate and interact. 'Impersonal standards' such as common currencies and foreign exchange systems mean trade need no longer be localized in order to be substantial and meaningful (22). Furthermore, the level of dominance of global banking institutions and the state government in trade markets means trust no longer needs to be personal but is instead placed in the institutions who interact in and regulate such markets (26).

Saskia Sassen (2005) argues globalization is also producing new global classes. These include 'transnational elites' (145-148), jetsetters traveling to different countries as business becomes increasingly multinational. The second group, called the 'transnational networks of government officials', arises from increased intergovernmental coordination to address issues such as human rights, climate change, and world trade (148-150). The final category emerging from globalization

is the ‘new global class of disadvantaged’ (150-152), which has in part arisen because globalization does not impact all places equally (Sørensen 2007: 65). In fact, the interconnectedness resulting from the large scale interactions found in globalization also means communities not participating in those interactions have become increasingly peripheral to the major issues affecting the world (Dewey as cited in Scheuerman 2006). Thus, although the new global class of disadvantaged contains substantially diverse people who have historically been largely disconnected from one another, they share certain characteristics, including a lack of resources and mobility (Sassen 2005: 150). Thus, globalization and a focus on human rights have allowed for increased attention to be brought to their plights (150-152). This last point highlights one of globalization’s most important effects: our rising awareness of the predicament of others.

Globalization provides connections that may be necessary when tragedy strikes. Closer connections allow a far greater mobilization of resources and expertise when the unexpected occurs (see *The Economist* 2010c). For example, in order to rescue 33 workers after a mining collapse in Chile, the government mobilized resources and expertise from the United States and Australia. Conversely, places routinely struck by earthquakes, including Japan and the United States, often share expertise on building codes intended to limit the damage from such disasters. As a result, countries that are less economically developed (and thus have fewer connections) generally report higher death tolls and greater damage after natural disasters (*The Economist* 2010c).

Martin Heidegger (1971: 165) argues modern film and television also abolished the possibility of geographic remoteness. Because of the global media, we now have vivid images of suffering in distant locales delivered to our living rooms nightly.<sup>72</sup> In part because of advances like these, technology has changed the way we can learn about and help people, making it feasible to understand and provide assistance to individuals living thousands of miles away (Murphy 2000: 28).

Göran Collste (2007: 117) discusses other effects of globalization’s ability to link geographically distant people in ways that were heretofore not possible. Our collective actions, especially in the forms of consumption, production, banking, and travel, now have a wider impact through globalization (ibid). Furthermore, our most important economic and political decisions are now made at a global, not domestic, level (ibid). Collste proceeds to argue these two developments mean our moral responsibility should widen because our impact has also widened (ibid).

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<sup>72</sup> Chapter 11 provides an extended discussion on vividness.

As Collste's argument highlights, globalization is also producing philosophical change, particularly in the area of our responsibilities towards and duties to others. Deterritorialization and the increasing interconnectedness between people means the concept of globalization poses significant challenges to Western political theory's traditional presupposition of nations as communities delineated by distinct borders, and this in turn calls into question some aspects of the domestic-foreign bifurcation (Scheuerman 2006). For example, on an institutional level, justice and democracy are often difficult to pursue in the domestic sphere without also pursuing such ideals abroad (e.g., dictators whose practices generate significant numbers of refugees who may bring weapons and crime into another country) (ibid). On an economic level, our traditional conceptions of distributive justice must be scrutinized given the effects of economic globalization and its uneven impact on countries' fortunes. In both cases, there is a need to re-examine our traditional conception of a community as being a population contained within specified borders.

Amartya Sen (2009: 172-173) contends 'we are linked with each other through trade, commerce, literature, language, music, arts, entertainment, religion, medicine, healthcare, politics, news reports, media communication, and other ties. ... We are increasingly linked not only by our mutual economic, social, and political relations, but also by vaguely shared but far-reaching concerns about injustice and inhumanity that challenge our world, and the violence and terrorism that threaten it'. Furthermore, Anton van Niekerk (2005b: 92) maintains 'the greatest moral challenge brought forth by globalisation is the need to think of humanity in more communitarian terms'. The next section will argue our notion of *community* must be greatly expanded, in part by understanding the arbitrariness of the political, physical, and ethnic borders we use to distinguish between people.

## **V. The moral arbitrariness of nationality**

Those who value the primacy of their fellow citizens essentially prioritize them over people residing in other states (Beitz 1983: 593). Because this principle not only provides but actually encourages unequal treatment, we must ensure it has the proper moral foundations (Beitz 1983: 593). Charles Beitz argues this is a particularly important question since valuing one's fellow citizens may reinforce existing social, political, and economic inequalities; thus, such principles may not reflect sound moral judgment but instead mirror existing power relations (ibid). He contends the continuing (although, I would argue, diminishing) influence of the 'priority thesis', meaning the priority of our fellow citizens over those living elsewhere, may simply prove to be nothing



more than ‘a psychological or sociological artifact’ (599). However, he qualifies this statement since such loyalties may be based on deeply held sentiments (ibid). Still, sentiments are not an excuse for not acting morally,<sup>73</sup> and this section seeks to show they have no rational foundation.

What is most interesting about the debate over the (un)importance of nationality is how each side considers its position to be completely obvious. Interestingly, according to Benedict Anderson (2006: 5), in contrast to Marx’s communism, Rawls’ social contract theory, and many other political views throughout the ages, nationalism, a political and social concept based on the importance of nationality, is philosophically impoverished and has never produced a great thinker. Although this section recognizes that, in the face of imperfect duties, an agent is not required to treat all other individuals in *exactly* the same manner, latitude in discharging these duties does not necessarily allow agents to favor compatriots when doing so (Kleingeld 2000: 322, 324). Furthermore, given people’s equal moral status (see Chapter 7) in a predominately unequal world, it appears very difficult to justify such decisions.

#### *The importance of focusing on the unimportance of nationality*

Nationality is more than just a way of identifying ourselves and our relations. The country in which we are born significantly influences how long we live and what standard of living we enjoy. If you are fortunate enough to be born in Norway, you will have a life expectancy of eighty years (Watkins 2007: 232) and enjoy an income high enough and social services efficient enough to ensure that you are significantly unlikely to experience hunger through any of them. If, however, you have the misfortune of being born in Sierra Leone, you may live only forty years (ibid) and will likely experience the hardships of extreme poverty throughout most of them. Should you be born in Australia, it is unlikely that you will ever experience the devastating effects of war. Sadly, the same cannot be said of the Democratic Republic of Congo. As Charles Beitz (1985: 301-302) notes, ‘The balance between “arbitrary” and “personal” contributions to my present well-being seems decisively tipped toward the “arbitrary” ones by the realization that, no matter what my talents, education, life goals, etc., I would have been virtually precluded from attaining my present level of well-being if I had been born in a less developed society’.

Given the substantial impact our nationality has on our standards of living and the experiences we are likely to have, our relationship to that nationality and how we regard those of different

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<sup>73</sup> This statement is, of course, at odds with some philosophers’ conceptions of morality (e.g., David Hume), and the concept of what acting morally in terms of obligations to disadvantaged children will be explored in Chapter 7.



nationalities is extremely important since it may result in the difference between life and death.<sup>74</sup> Thus, this section explores current theories on the role nationality should play in our moral decisions.

### Nationality in international law

International law and treaties appear to recognize the moral arbitrariness of nationality. Article 2 of the *Universal Declaration of Human Rights* declares the arbitrariness of nationality and ethnicity when it asserts all people are entitled to certain rights and freedoms and these rights and freedoms are not given on the basis of ‘national or social origin’. Separately, Principle 1 in the *Declaration of the Rights of the Child* declares ‘every child, without any exception whatsoever, shall be entitled to these rights, without distinction or the discrimination on account of race, colour, sex, language, religion, political or other opinion, *national or social origin*, property, *birth or other status*, *whether of himself or of his family*’ (emphasis added).

Unanimously adopted by the General Assembly of the United Nations in 2005, the doctrine of the responsibility to protect formalizes the protection of all people in all nations from war crimes, genocide, ethnic cleansing, and crimes against humanity (United Nations General Assembly 2005). It thus serves as a global acknowledgment of the arbitrariness of nationality in respect to the protection from heinous acts. This dissertation will simply extend that acknowledgement to our moral obligations to children.

### Why people may regard nationality as important

People have a variety of reasons for defending the importance of nationality, although some are less serious than others. The less interesting and more easily countered objections will be addressed first, followed by a more critical examination of arguments offered by more serious thinkers.

Some people argue that our tendency to favor compatriots is acceptable because it reflects our evolutionary heritage. Peter Singer (2009: 60-61), however, effectively addresses this defense, arguing because evolution has no moral direction, it can serve only to explain, not justify, our behavioral patterns. Furthermore, as stated earlier in this chapter, in a time when kingdoms routinely invaded one another, pillaging, raping, and murdering as they went, nationality was likely

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<sup>74</sup> A simple example of this difference is the routine, inexpensive vaccinations available in developed countries that prevent diseases responsible for hundreds of thousands of deaths in developing nations each year.

very important. It was a bond that allowed people to band together to defend their lives, families, and livelihoods from unspeakable horror. Yet, relative to what happened throughout most of human history, countries rarely invade each other in modern society, so, in terms of the analogy of evolution, it appears that, like our appendices, nationality has greatly decreased in importance. Furthermore, like an infected appendix, nationality taken too far can be detrimental to the body as a whole when members become indifferent to others' suffering or too inwardly focused, not allowing in fresh ideas solely because they are from the outside. Such societies tend to stagnate, much as Europe did throughout the Dark Ages.

The importance people attribute to their nationality may also stem from state education. Often, state education systems include curriculums designed to produce students who identify with the state and its ideals (Gellner 1983:48). Gellner argues membership in an industrial society is ad hoc since it is 'fluid, has a great turnover, and does not generally engage or commit the loyalty and identity of members' (63). He argues identifying with a nation is important because it engenders political community (ibid). Yet if this is so, nationality is a social construct and should thus be regarded as morally arbitrary.

Christien van den Anker (2007: 108-109) addresses arguments regarding the need for a shared national identity in order to maintain a functioning democracy, arguing a national identity is not required. Instead, only access to the political institutions necessary to engage in democratic debates are (ibid). He thus implicitly argues maintaining democracies are only a matter of building and strengthening the proper political institutions, not sharing a national identity. Some multicultural societies, including South Africa and the United States, exhibit aspects of this ideal.

Other philosophers defend the importance of nationality based not on political reasons but personal ones. Alasdair MacIntyre (2007: 220) explains how we gain our identity from those to whom we are related and the culture into which we are born. Thus, the implication of MacIntyre's argument appears to be that our nationality forms part of our 'moral starting point' (MacIntyre 2007: 220). This, however, seems unlikely. Instead, we all have the same 'moral starting point', meaning we are all equally valuable. Our nationality simply serves as the direction our identity takes. If we were born in a different country, that identity would have formed in a differ-

ent direction, but it would make us no less valuable. In other words, there is no, to use Christopher Wellman's (2000: 538) term, 'fundamental moral significance' to our nationality.<sup>75</sup>

Andrew Mason (1997: 437) explores grounding special obligations to fellow countrymen in our citizenship<sup>76</sup> since he argues such citizenship is essential to our identity. On his account, citizenship is not only a legal concept but a moral one as well (442). However, he concedes that any basis of such special obligations can only be defended by a specific conception of citizenship that is difficult to sustain (447). Thus, on this account, citizenship and, by extension, nationality cannot be used as the basis for determining our moral obligations.

Related to this idea of grounding obligations in nationality, some theorists argue we must ground our moral obligations in community. Susan Wilkinson-Maposa and her colleagues (2009: 79) found the notion of community often hinges on the idea of a 'shared condition'. Yet on this account, community cannot be synonymous with nationality since many people within the same nation may have drastically different conditions (e.g., inequality in Brazil, India, and South Africa). While a shared condition across an entire nation can be temporarily induced – South Africa's hosting of the 2010 World Cup is one such example since it united all citizens to root for the home team – the effects are generally temporary. Thus, even if there is a basis for grounding moral obligations in community – and this dissertation argues there is not – identifying a nationality with a community raises Benedict Anderson's argument that such groups are simply 'imagined communities' instead of political realities.

Still, Michael Ignatieff (1993: 9) asserts those who attach importance to nationality are 'supremely sentimental', and Anderson concurs. Anderson (2006: 141, emphasis in original) raises a valid point when he observes 'it is doubtful whether social change or transformed consciousness,

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<sup>75</sup> Empirical evidence appears to support this view. People who identify with cosmopolitanism may have a fondness for their particular nationality, but they remain unaffected by appeals to that attachment for the purpose of discrimination against foreigners (Schueth & O'Loughlin 2008: 929). Such individuals tend to be younger, better educated, and more likely to live near immigrants (936-937). They also have greater interaction with people from other cultures and are more likely to respect cultural differences (939).

Still, it should be noted Schueth and O'Loughlin's study identified only the characteristics of people who identify as cosmopolitan and not the causes for this identification. While it is possible that people who are less intellectually (as opposed to sentimentally) attached to their cultural group are more likely to interact with other cultures, it is more plausible that those who interact with other cultures are less likely to be intellectually attached to their own nationality. In other words, people who more frequently interact with those from other cultures are more likely to have encounters that lead to a cosmopolitan viewpoint.

<sup>76</sup> Mason views citizenship as completely separate from nationality, although, for our purposes, it is important to recognize that the two either crossover or nationality takes precedence; thus, his arguments are applicable here.

in themselves, do much to explain the *attachment* that peoples feel for the inventions of their imaginations'. I contend these attachments obscure the stronger rational arguments for considering nationality morally arbitrary, and this contention will be further explored.

### *The trouble with defining nationality*

Philosophical and political literature reflects two definitions of nationality: one synonymous with ethnicity and the other with citizenship. The definition involving ethnicity will be only briefly addressed because race, skin color, and culture are already widely held to be morally arbitrary. The arguments surrounding nationality based on citizenship, however, will be more thoroughly examined since those who argue nationality is not morally arbitrary more commonly subscribe to this definition.

Stanley French and Andres Gutman (1974: 139) describe the difficulty in defining the characteristics of nationhood based on ethnicity:

A consideration of the more common claims about nations reveals no one characteristic that could suitably serve as the criterion for nationhood. Apparently, nations do not possess any characteristic in common that serves to distinguish them from other populations. The strongest statement that may be made about a nation is that it is a population that calls itself a nation, and is so called by others. This however, results in a significant number of borderline cases [e.g., the Ibos in Nigeria and Basques in Spain].

Ernest Gellner (1983: 44-45) states that while potentially thousands of distinct ethnic groups exist, the world has less than 200 recognized states. Thus, most states have several ethnic groups (ibid). As a result of this multiplicity of ethnicities, culture and state rarely coincide, which renders nationality, again defined as being recognized as the citizen of a particular state, even more arbitrary. Gellner argues that, even if it was desirable, it is likely impossible for ethnicity and statehood to perfectly coincide since the number of potential nations is far greater than the number of potentially viable states (2). Attempting to partition certain states by ethnicity is a zero-sum game, with the Basques in Spain and Tibetans in China providing two such examples. In fact,

... very many of the potential nations of this world live, or until recently have lived, not in compact territorial units but intermixed with each other in complex patterns. It follows that a territorial political unit can only become ethnically homogeneous, in such

cases, if it either kills, or expels, or assimilates all non-nationals. Their unwillingness to suffer such fates may make the peaceful implementation of the nationalist principle difficult. (ibid)

Most state boundaries today are likely to be the result of historical accidents, often poorly drawn and arbitrary (Walzer 1977: 57), which makes it difficult to sustain an argument for the moral importance of citizenship on claims that state boundaries reflect transcendental truths. In fact, Richard Rorty (1989: 61) argues that our community is simply the result of historical contingency and not greater truth. Furthermore, as shown above, a person's membership of a sovereign state is defined territorially and not based on identity (Philpott 2003), although the next section also questions preferential treatment based on the latter.

Preferential treatment based on ethnicity counters the established morality of ethnicity's moral arbitrariness. If cultural affinity obliges us only to our own kind, we do not, by definition, need to help all those living within our state. That would be a shocking claim, especially given the well-established practice in most countries not to deny welfare benefits or government services based on race, ethnicity, and similar characteristics. Although there are sometimes stipulations – a person's welfare eligibility is based on taxes paid or years of residency – these are economic arguments, not moral ones. Because we are discussing moral obligations, economic arguments will not apply.<sup>77</sup>

In other words, attempting to define a nation by invoking ethnicity is notoriously difficult, and this problem extends to states as well. An excellent April 2008 article in *The Economist*, a well-respected international news magazine, provides several examples of the issues encountered when trying to do so. As the article notes, 'any attempt to find a clear definition of a country soon runs into a thicket of exceptions and anomalies' (*The Economist* 2010b). Examples include:

- Diplomatic recognition: Taiwan used to have formal diplomatic ties with many nations; it now stands at just 23 due to China's increasing clout (ibid).
- Passport acceptance: Many countries accept Kosovo passports but do not recognize it as a nation (ibid).

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<sup>77</sup> In other words, some theorists argue nations contain certain political and economic systems from which the people within that system should share the burdens and benefits in some prescribed manner. But as discussed in Chapter 5, the same system exists globally. Still, most theorists do not seem drawn to the economic argument, so it will not be further explored in this chapter.

- UN membership: Israel is the most famous exception since 19 of the United Nations members refuse to accept its existence (ibid). But membership can also lead to very convoluted outcomes. Because Kosovo is not a member nation, it cannot have a domain name, country dialing code, or international football membership (ibid). However, Taiwan, which is also not recognized as a UN member, has all three (ibid).
- Monopoly on violence: Max Weber considered the ability to monopolize the legitimate use of violence a defining characteristic of statehood; however, Somalia, which ‘spectacularly fails’ this test, is still recognized as a sovereign country (ibid). Ironically, Somaliland, a relatively orderly territory that declared independence in 1991 and issues both its own currency and biometric passports, is still refused recognition by the African Union and, consequently, most other countries (ibid).

These difficulties can lead to peculiar historical revisions. Consider the following:

Because ethnic Mongolians live within China’s borders today, Genghis Khan is given star billing as a ‘national minority’—yet he never set foot in what was then China, and his offspring conquered the place. In northeast China lie the archaeological remains of the Koguryo kingdom of 37BC- 668AD, the fount of Korean culture and myth. Chinese historians claim them as Chinese. (*The Economist* 2010g)

As Gellner (1983: 6) writes, ‘...nations, like states, are a contingency, and not a universal necessity. Neither nations nor states exist at all times and in all circumstances’. In other words, nations, like states, are social constructs, not moral truths.

These debates over the definition and constitution of a state raise an important point: If we cannot agree on what constitutes a state, an entity that, on a political level, has far-reaching implications, how can we base moral decisions on nationality?

### *Is nationality intrinsic or essential to identity?*

Despite the difficulties in defining nations and states, some will still argue justice has no place in the international sphere. Instead, they place an intrinsic value on being linked to a specific nation. Pauline Kleingeld (2000: 320) calls this ‘nationalist patriotism’ and notes it places significance on membership in the nation and family despite such inclusion by birth, not choice. On this account, such membership entails not only strong bonds among members but special obligations between them as well. In other words, one must value ‘one’s nation *as one’s own*’ (Kle-

ingeld 2000: 320, emphasis in the original). Kleingeld identifies the key characteristic of this line of thought:

Whereas the duty of civic patriotism rests on the idea that rational agents ought to have concern for their just democratic state for the sake of justice, nationalist patriotism is here based on the contingent fact that some people need a national affiliation for their sense of identity and well-being, without there being any proof that this is *necessarily* so for *all* humans. (336, emphasis in the original)

If nationality is essential to identity, then it must be so for all people, or at least all normally functioning people. Yet, as discussed in the previous section, nationality is nothing more than the result of a series of historical contingencies or, possibly, state education. In fact, Ernest Gellner (1983: 86) argues ‘the general emergence of modernity hinged on the erosion of the multiple petty binding local organizations and their replacement by mobile, anonymous, literate, identity-conferring cultures’. In keeping with this, David Luban (1985: 239) dismisses the conception of the ‘Romance of the Nation-State’, arguing the most prevalent conception of the nation-state emphasizes a nation’s history, traditions, shared language, and other commonalities but in the process understates class conflict, violence, and repression. He contends this romantic conception of the state is dangerous because it prioritizes a group of individuals over the individuals themselves (ibid).

It seems odd to argue that our nationality is essential to our identity when such an identity can be derived out of any culture into which we are born. In other words, it is not *our specific* nationality that is important but simply the fact that a nationality is there. In other words, nationality essentially provides someone with a history and a place, although given that any history and place can be used, it is difficult to see the moral significance of any given one.

When theorists argue nationality is intrinsic to identity, they seem to mean ‘I would be nothing if I was not this.’ Yet that cannot be plausibly true of nationality, or at least no truer of nationality than it is of gender or race. In fact, it is likely far truer of gender. If one is not a woman, one would not bear children. In other words, bearing children is an essential part of being a woman. Yet there appears to be no parallel in nationality. We cannot say of our nationality ‘I would be nothing if I were not that’, for we could still be something if we were born in a different country. Thus, if we insist on gender being morally arbitrary, how can nationality not be so?

When we admire great heroes, we do not consider their nationality to be essential when remembering them, although we recognize certain living conditions (which is different from nationality) influenced them. For example, Nelson Mandela was oppressed because of the political structure in South Africa, yet, in describing our admiration of him, we do not say he was great because he was South African or Xhosa. In fact, there are many in both of those groups who did not do great things. Thus, being South African is not what made Nelson Mandela praiseworthy, although living in the country contributed to the conditions that eventually led to his admirable actions.

South Africa is not the only country that has produced such heroes; greatness transcends borders. Martin Luther King, Jr., Mother Teresa, and Mahatma Ghandi are all such examples. Many countries produce great people, and there appears to be nothing intrinsic to a certain country or cultural identity to engender it.

One aspect of nationality to which people seem particularly attached is their language. Benedict Anderson (2006: 133) argues it is a mistake to consider language as an emblem of one's nationality, akin to flags and music. However, he concedes that language is a powerful generator in creating imagined communities (*ibid*), and it will thus be addressed.

According to Anderson, until the 19th century, the language people spoke was a 'gradual, unself-conscious, pragmatic, not to say haphazard development' (42). However, as capitalism and print technology became more widespread, language came to be seen as 'the personal property of quite specific groups' (46, 84). As a result, people think their language is associated with their nation or ethnicity – that it is somehow a core part of their identity – instead of understanding it is actually a haphazard consequence of historically random events. Indonesia is one such example (134). Thirty years ago, most Indonesians spoke an 'ethnic' language of some sort; today, 'millions of young Indonesians, from dozens of ethnolinguistic backgrounds' speak *bahasa Indonesia* as their mother tongue (*ibid*).

Furthermore, theorists who argue nationality plays a strong – and even primary – role in identity neglect that our identity is formed from memberships in multiple groups, not just one (Sen 2009: 141-142). Amartya Sen opposes this increasing tendency to view people as possessing one principal identity (e.g., Muslim, Chinese, African) instead of being members of multiple groups (e.g., gender, ethnicity, class, religion), deriding the practice as denying individuals the ability to choose



between different groups and among different loyalties (246-247). For him, this failure to understand a person's membership in multiple social groups displays a misunderstanding 'of the breadth and complexity of any society in the world' (247). As Michael Ignatieff (1993: 6) contends, 'it is not obvious, furthermore, why national identity should be a more important element of personal identity than any other'. For example, although I am an American, I am also a woman, a Ph.D. student, an NGO volunteer in the developing world, and consultant. Apart from my nationality, these group memberships transcend national boundaries or are only loosely correlated with them. Thus, with a multiplicity of memberships constituting our identities, it is perplexing that so many political philosophers focus on just one.

Given all of this, there appears to be no adequate justification for a rational and unsentimental attachment to nationality. In fact, it is odd to claim ownership of something over which you have no control (Dirk Keen, personal communication, July 2010). Although some theorists assert most people hold their nationality to be intrinsically valuable to their identity (Miller 2005: 67), such misconceptions of the relations between the self and the moral importance of nationality to identity may be a simple matter of education about nationality's rather arbitrary and historically contingent nature. For example, individuals who have lived in many places do not appear to attach as much importance to their nationality. On one hand, this may be because people who choose to live nomadic lifestyles are self-selecting. On the other hand, and the one I find more plausible, it may actually be because the additional education and information gleaned from living in multiple places allows one to see so many similarities among different groups of people that the differences between them seem quite arbitrary.

David Miller argues the counterexample of such people who do not attach value to their nationality is not valid, for there are individuals who claim to be indifferent to family ties (68). This is a false analogy and ineffectual rebuttal, for agents in both cases (i.e., nationality and familial relations) can rationally renounce such ties. People who do not attach moral value to their nationality often recognize that the membership of such a group results from the previously mentioned historical contingencies, which is a rational reason to reject nationality's supposed moral importance.

Family membership is somewhat more complicated, but the overarching principles are similar. Children are not bound to their parents in the same way parents are bound to their children. Parental obligations to children largely derive from the fact that parents created the child, and it is

generally well established that agents are responsible for what they create. Children, however, cannot be tied to their parents just because the latter created them. The child had no choice in this membership and thus does not automatically incur the obligations involved in participating in it.

In a healthy, functioning family, the child would begin to incur obligations due to special obligations arising from relations between consenting agents (see next section). However, we also must recognize that people can renounce family ties for rational reasons, and we cannot keep a child bound to a family simply because they were born into it. Just as individuals do not choose membership in a nationality, they do not choose membership into a family. Thus, should the family dynamics become poisonous or unjustly affect outsiders, family membership, like nationality, can be renounced as arbitrary and unhealthy. In both, it is difficult to sustain arguments of intrinsic value based on membership by birth.

Still, there may be a place for nationality in our identity, although not in our moral thinking, and it can function as a sentimental preference in much the same way we may prefer certain colors or foods. In fact, there may be rational reasons to prefer a particular nationality, although they could then not be based on arguments of value to identity. Instead, just as I may prefer car X to car Y because it is safer or a better value, I may prefer country X to country Y because it has a lower cost of living and lower crime or nationality X to nationality Y because I find it more agreeable with my own character traits. Pauline Kleingeld touches upon this theme in a slightly different way. According to her, one form of patriotism is civic patriotism, which is of a political nature and involves an appreciation of or love for the political structure and institutions of a country (Kleingeld 2000: 317). However, it is important to note this type of patriotism is not dependent upon one's nationality or ethnicity (*ibid*). Thus, while individuals may prefer one country or nationality to another, we must remember not to ascribe moral importance to such preferences.<sup>78</sup>

## VI. Special obligations

There are, of course, instances when extending preferential treatment to our fellow citizens is justified. As alluded to in the previous section, parents incur special obligations to their children given the former are responsible for the latter's creation. Special relationships between family

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<sup>78</sup> Similarly, we must remember that nationality can explain but not justify certain preferences and behaviors. For example, a custom to not admit girls into tertiary educational institutions may explain why women do not hold advanced degrees in a given society, but it does not justify the practice.

and friends also generate specific obligations since much of human progress is based on trust and relational intimacy. Yet to say that these obligations arise merely because two people hold the same passport stretches the concept of these special obligations.

### Overview of special obligations

Except for a few outliers such as Friedrich Nietzsche, philosophers generally agree moral obligations exist. In fact, all major moral theories (i.e., consequentialism, deontology, social contract theory, virtue ethics) agree such obligations exist, although they differ over exactly what constitutes them, including how such obligations arise and to whom they are owed. That said, most theorists agree there are certain obligations everyone owes to everyone else, and the obligation not to harm without provocation is one such example.

Special obligations are different. These obligations are owed only to a subset of people with whom we have a particular relationship (Jeske 2008). Theorists, however, do not agree on what types of relationships incur these obligations. While most philosophers agree that special obligations arise in familial relationships, some philosophers such as Peter Singer seem much less convinced of these obligations than others.<sup>79</sup> Examples of special obligations include a husband who chooses to save his drowning wife instead of three strangers or a doctor who refuses to violate a patient's right to privacy although divulging his positive HIV status would prevent his wife from contracting the disease.

### Relationships that incur special obligations

What kinds of relationships incur special obligations? Nearly all theorists agree that familial relationships and, to a certain extent, friendships give rise to special obligations. But what other kinds of relationships generate these duties?

Shared nationality or citizenship: Some theorists will argue shared nationality or citizenship is a distinct type of relationship that engenders special obligations to one's fellow citizens. In other words, people who argue against the importance of nationality reason it is a morally arbitrary fact like race or gender while people who argue for the importance of nationality tend to do so on the basis of relationship (Blake 2001: 260). As discussed in the previous section, this seems a

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<sup>79</sup> In fact, utilitarian theorist Shelly Kagan (1989: 367-368) asserts that it is not obvious special obligations (i.e., favoring people close to us above others we do not know) exist since this is just one of many expressions of love and is not obviously inherent to it. Thus, because love can be expressed in other ways, special obligations are not the only manifestation of love and hence not necessary to it.

rather dubious claim given the haphazard events that produce two people with the same citizenship. This is particularly true in countries with exceptionally large populations such as India and the United States. As Christopher Wellman (2000: 558, emphasis in the original) states: 'I readily concede the descriptive point that we are in fact more likely to help those with whom we identify (e.g. a French soldier is more likely to risk his life for a fellow French person), but I deny the moral conclusion that our duties depend upon our motivation'. Stated differently, the very fact we may be more likely to help our fellow citizens does not mean we should, in fact, do so.

Shared economic, political, or social systems: Other people will argue that we do not have special obligations to our fellow nationals or citizens simply because we possess the same membership but because we share in the same political, economic, or social systems that such membership provides. People who receive the benefits of such systems are those who also bear the burdens, and it would be unfair to allow outsiders to procure the benefits without also paying into it.

Yet the notion of a country possessing a self-contained system is outdated and false. Because of globalization, our national systems are irreversibly intertwined with those of others, and this new reality must revise our conception of the system. The reality is quite different from people's conception of their wealthy systems bearing the burden of everyone else's welfare. In fact, because of globalization, people in the wealthiest societies benefit the most while the ones bearing the heaviest burdens tend to live in less developed nations. Sweatshop labor, unfair trade practices (e.g., coffee growers), farm subsidies, and demand for environmentally unfriendly products (e.g., palm oil) are but a few examples.

- *Economic systems:* Section IV described how intertwined globalization has made national economic systems to each other. In fact, our economic systems are so entangled that what happens in one place can have a significant impact on a distant geographical location (Collste 2007: 116). Because of this, Göran Collste argues the increasing economic interconnectedness between nations weakens arguments against cosmopolitanism (124). In fact, Charles Beitz (as cited in Clinton 1993: 296) argues international relations, international law, and global trade provide a basis from which to argue all people have distributive justice obligations to all other people globally regardless of citizenship.

Some will contend economic and trade links connect institutions, not individuals, yet this is a very narrow view. Such links greatly impact individuals through employment oppor-

tunities, salaries, and skill acquisition. As a result, the implication of such links cannot be restricted to an institutional level.

Addressing the argument that only people who pay into the system should receive its benefits, Simon Caney (2001: 134) contends people's ability to access a system cannot be based on their contribution to it since, by definition, we give such opportunities only to people who are outside of the system anyway (e.g., providing children with education in order to obtain higher skilled jobs). While it may not be feasible to open the system to all people, it is possible to open it to children (see Chapter 11 for feasibility). In fact, in this context, no difference exists between children and foreigners (ibid).

The critic may reply the child's parents made a contribution to the system in recognition of the benefits such systems may bring to their offspring. However, this argument does not hold, for the entire point of equal system access is that an agent's background does not count. Furthermore, as the global economy and global supply chains continue to integrate, all people's contributions are ultimately into the same system anyway.

- *Political systems:* One of the most often criticized aspects of John Rawls' *The Law of Peoples* is his contention that political systems are self-contained. This is simply not true. In fact, Andrew Hurrell (2001: 33) argues political communities have seen their boundaries eroded by globalization and economic integration. Political decisions, especially in terms of macroeconomic policy and immigration, significantly impact people living beyond a country's borders, and as a result, the traditional concept of sovereignty is being eroded and replaced. For example, members of the European Union are bound by supranational rules and policies and treaties such as the responsibility to protect and the Rome Statute that created the International Criminal Court show that the international community is increasingly willing and able to violate traditional conceptions of sovereignty for the purpose of protecting human rights violations.<sup>80</sup>

Despite this, there will be those who continue to hold that we should not interfere with the 'internal affairs' of other states. Yet if those internal affairs are such that children routinely die before the age of five and life expectancy is less than 50, are we truly going to let people suffer in order to cling to such a principle?

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<sup>80</sup> Implementation is another matter. See Chapter 4.

- *Social systems*: Charles Beitz (1979: 420) acknowledges the popular view that (1) people tend to think of the state as a community held together by a common identity or loyalty, (2) these feelings rarely extend to international society, and (3) strong obligations of distributive justice do not extend beyond state boundaries. Beitz argues that this is not a convincing argument unless one can show why such ‘community sentiment’ is morally significant (ibid).

Such obligations may have once held for quite practical reasons that are no longer relevant. People once depended upon those they knew in order to survive. Thus, people helped each other with the plowing and planting, shared food during times of famine or drought, and pooled mutual resources for medical assistance. Yet much of these interactions have changed. Most people in developed nations now physically take care of almost all of their own needs due to higher salaries that have, in part, arisen from the division of labor. Ironically, the higher level of economic interaction that has lessened our dependence upon other people has also increased our dependence on others participating in the global economy. When these interactions are examined, it becomes more difficult to sustain arguments for special obligations based on our present social systems.

Social positions: Michael Sandel (1998: 151-152) argues we do not have special obligations but ‘constitutive commitments’ arising from our social positions. He argues against the liberal idea of the completely free and individualized self and contends that some of our moral obligations arise from being a member of a family or political community (ibid). This is similar to Alasdair MacIntyre’s (2007: 220) argument that our identity is largely based on our role in our community.

Similar to both Sandel and MacIntyre, Michael Hardimon (1994: 333) argues we have certain social institutional roles (e.g., citizen, family member, etc.) that carry important obligations. He asserts most people at least tacitly view the occupation of these social roles as part of their self-identity and understand these roles carry morally binding obligations (345-346). In fact, he argues abandoning the idea of these role obligations would require us to completely revise the way we conceive of ourselves (346). He then says that this would be nearly impossible because these obligations comprise a major part of the framework (e.g., a family member as part of the family, a citizen as part of the state) within which we construct our lives (ibid).

Sandel, MacIntyre, and Hardimon raise interesting points, but their contentions will not be further examined. While their arguments may account for our obligations within a community, they are not able to adequately address whether our moral obligations extend beyond our borders.

*Why special obligations between compatriots do not exist*

It seems obvious that special obligations exist in certain relationships between family and friends, and these obligations may extend to relationships between employers and employees and other community relations. The existence of these obligations has been convincingly argued elsewhere and will not be re-examined here, especially since they are not mutually exclusive with the propositions in this dissertation.

Yet compatriots cannot be included in this category by simple virtue of their compatriotism. While the prioritization of compatriots over outsiders is not mutually exclusive with the respect for basic human rights,<sup>81</sup> as shown earlier in this chapter, such prioritization is arbitrary and therefore unjust. Furthermore, it can engender many negative consequences beyond violations of the respect for the equal moral status of all persons (see Chapter 7).

First, prioritizing compatriots can reinforce unfair power relations. Michael Blake (2001: 257) observes borders not only demarcate states but also usually divide the affluent from the poor. Jim Ife (2001: 71) notes the rich are often not restricted by such things and can easily move between borders and change citizenship when necessary; however, the poor are not able to do so (ibid). Repression, poverty, and a lack of information bind them to dysfunctional governments and countries. This lack of opportunity keeps both the people and the country poor, which in turn maintains its status as a weaker international player and lessens its power to negotiate trade and climate change treaties that would benefit its citizens.

Prioritizing compatriots also violates duties of non-maleficence. Kleingeld (2000: 340) argues those who show concern only for the well-being of their fellow citizens may actually contravene non-maleficent duties towards those living in other nations, citing the example of certain trade practices that exploit another nation's weaker economic position. She proceeds to argue that a lack of understanding of these practices is not a valid excuse for participating in them (ibid).

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<sup>81</sup> Even those who argue that special duties between compatriots exist (see Miller 2005) still recognize duties to respect basic human rights worldwide. For example, none of these theorists would argue for buying from a shop owner in one's own community if the owner's goods were sourced from a factory engaging in exploitative trade practices.



Prioritizing compatriots may also ignore an agent's capacity to make autonomous decisions. George Kent (2005: 208) contends that while intergovernmental organizations should render assistance to all people, it is acceptable for certain states to render humanitarian assistance based on factors such as religion or culture. However, Kent's arguments are not convincing, and Rawls' arguments for equality of opportunity in *A Theory of Justice* effectively counter them. Yet I would like to emphasize that Kent's arguments are even more unjust in the context of children. For a child to receive assistance based on his religion or culture ignores the fact that children are too young to make fully informed decisions on such matters. It is morally reprehensible to argue that it is just for an organization not to render assistance to a child because of decisions that are not fully his(hers).

Finally, prioritizing compatriots may lead to xenophobic tendencies and stagnation. Onora O'Neill (2000: 48) argues that reasoning within the constraints of a community or tradition is always ethnocentric. In line with this, Michael Ignatieff (1993: 247) observes stronger attachments among members of a single group increase the tendency of that group to exclude and even be violent towards outsiders. Such attachments may also lead to stagnation. The greater attachment to one place, the less likely an agent may be to explore others, and this can have negative consequences. For example, economic growth depends on innovation, which largely depends on what pool of ideas that can be accessed (Stan du Plessis, personal communication, 16 April 2010). Thus, if ideas are restricted to being generated internally, growth is also likely to be severely restricted (ibid).

#### *Conclusion on special obligations between compatriots*

Prioritizing compatriots on the basis of special obligations has no plausible rationale. Unlike parental or friendly relationships, citizenship is not the product of choice (Beitz 1979: 421). As a result, special obligations cannot arise on the same basis (ibid). Furthermore, even if special obligations between compatriots existed, they would not necessarily override obligations to those comprising the global community (ibid).

It seems implausible to accept that moral obligations arise only when there are specific relationships between people. Instead, we have certain obligations to all people and additional obligations to a subset of these people owing to our voluntary relationships with them (e.g., par-



ent, friend, colleague).<sup>82</sup> For example, are we to only save the drowning child if we know him? Most people would say not. Thus, it is difficult to find a convincing argument that it is morally acceptable to allow some people to ‘drown’ (e.g., die of malnutrition or treatable diseases) because we have not interacted with them. It is even more difficult to be convinced that I should help a less needy person first because we hold the same passport.

## VII. The case for the cosmopolitan conception of community

The absence of special obligations to compatriots strengthens the case for cosmopolitanism, meaning that we have the same obligations to everyone regardless of the countries in which they are based. This idea is predicated upon the notion of universal values. This section explains the idea of universal values and argues the moral case for cosmopolitanism.

### Universal values

W. D. Ross (1930: 12) argues one of the marks of our moral progress is the movement away from equating the concept of ‘right’ (in the sense of what is right, not in the sense of human rights) with what is customary or traditional among a certain group of people. In other words, he deems our realization that culture does not always determine what is morally correct as one of the defining features of our moral progress (ibid). He further argues people’s ability to understand that morality should transcend race and time is, in fact, the basis of this moral progress (ibid). In fact, philosophers have observed that theories grounded in universalism travel well (O’Neill 1988: 705).

Universal values are not only contrary to the idea that compatriots should be prioritized over non-compatriots but also run against the notion of relativism. Daniel Callahan (1981: 25) contends tolerance does not exist if all moral choices are equally valid. Instead, it is of supreme importance to have commensurate standards to judge these choices (ibid).

Universality is critical to impartiality, which, in turn, is an essential part of justice (Sen 2009: 117). Because global ethics and global justice can be seen as a set of values that apply to all human beings, they often include ‘a claim about transnational obligations as being amongst the universal norms to be accepted’ (Dower 2007: 80). In other words, as discussed in the previous section, we have certain obligations that extend to everyone, and we cannot prioritize our compatriots

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<sup>82</sup> Hans Jonas (1984) takes this argument further, arguing we not only have duties to our contemporaries but also to future generations not yet born.

simply because they are compatriots. In fact, ‘if we accept any principle of impartiality, universalizability, equality, or whatever, we cannot discriminate against someone merely because he is far away from us (or we are far away from him)’ (Singer 1985: 250).

Shelly Kagan (1989: 308-309) observes ‘the widely accepted assumption that fundamental moral requirements are universal – i.e., binding upon all agents if they are binding upon any’. The insistence on impartiality in modern moral and political philosophy is largely derived from Kant, although he may have been influenced by Adam Smith’s conception of the impartial spectator (Sen 2009: 124). Today, almost all moral theories contain a prominent demand for equality, although the content of that equality (e.g., happiness, autonomy, material goods) is fiercely debated (291). As Amartya Sen comments:

...the need for some egalitarian formula in defending a theory indicates the significance widely attached to non-discrimination, which can be seen as being motivated by the idea that in the absence of such a requirement a normative theory would be arbitrary and biased. There seems to be a recognition here of the need for impartiality in some form for the viability of a theory. (293)

He proceeds to note the question moral theories seek to answer is not ‘Why equality?’ but ‘Equality of what?’ (295).

Unsurprisingly, theorists have different ways of characterizing universalizability and impartiality. Richard Norman (1998: 86-87) argues there are three types of universalizability: (1) consistency, meaning the same action should be performed in similar circumstances, (2) impersonality, meaning the reason an agent performs an action should be relevant to anyone placed in the same situation, and (3) impartiality, meaning everyone’s interests, including the agent’s, count equally. Norman finds the first two types to be legitimate but immediately dismisses the third, arguing it is impossible to count all interests equally because of duties arising from special obligations (see Section VI) (87).

Norman’s argument is peculiar since impartiality demands only that morally arbitrary characteristics (e.g., race, gender, and, this dissertation argues, nationality) not be considered, not that all characteristics not be considered. As stated in the previous section, most philosophers agree certain relationships give rise to special duties, such as a mother who chooses to first feed her child instead of her equally hungry friend. Thomas Scanlon (1998: 219) argues we can reject a principle

if 'it singles others out, without justification, for a privileged moral status'. While it is doubtful that justification never exists for singling others out, it is implausible that nationality meets this criterion.

Naturally, universal values can still be adapted to specific contexts and cases (Goodin 1988: 664). For example, there may be widespread agreement that courts should not mete out cruel and unusual punishment, yet judicial systems differ on whether to include capital punishment in that category. Another example is mandatory education. Most countries agree that all children must attend school until a certain age, although that age varies significantly between countries. Still, the local adaption does not detract from the overarching values.

More disconcerting is the gap between the verbal and actual adhesion to these values. Certain documents such as the *Universal Declaration of Human Rights* and the Millennium Declaration signal strong support for certain universal values; however, in practice, there is far less adhesion to such values, especially outside of Western democracies (Sørensen 2007: 68-69) (see Chapter 4 for extended arguments on states' failure to protect these values).

#### *Our acceptance of values vs. our conceptions of sovereignty*

Our support for certain values – impartiality, equality, justice – conflicts with popular conceptions of sovereignty. On the traditional, and still prevalent, conception of sovereignty, outside parties cannot interfere with a state's internal affairs. However, this is an issue when widely recognized values such as equality and justice are routinely violated within state borders. Adam Lopatka (1992: 47) observes a majority of people face similar afflictions, including malnutrition, disease, and poverty. It is only natural that such similar types of suffering lead to similar types of relief in the form of acting under certain values. If suffering is not contained within borders, why should adherence to the values that diminish that suffering be halted by such boundaries?

Such inconsistencies have led to rather odd contortions of these values in trying to make them conform to the silo conception of sovereignty. Michael Blake (2005) observes Rawls' proposals for international justice are 'considerably more modest' than his ambitious proposals for domestic justice. Similarly, Christopher Wellman (2000: 546-547) argues inequalities between different groups of people are not as troublesome as inequality within a single group, meaning any ideas of the (in)justice of wealth inequality with a single state is more problematic than wealth inequality between states.

Yet these arguments are not convincing. Michael Blake (2005) observes our current theories of international justice are inconsistent with the moral importance many people attribute to national boundaries. We need to reassess our conceptions of sovereignty in light of our knowledge of universal values, not twist these values to conform to possibly fallacious conceptions of sovereignty.<sup>83</sup>

Some defenders of these conceptions of sovereignty argue justice has no place in the international sphere in the absence of international cooperation. Yet it would be arbitrary to limit justice to domestic societies even in the absence of international cooperation unless we can show that international cooperation is simply inconsistent with justice (Beitz 1983: 595). Such inconsistency has not been convincingly argued. Nationality is morally arbitrary, and if in the original position we would decide society should be structured such that children do not suffer, then we must do the same for other societies as well.

Simon Caney (2001: 124-125) argues if race, class, and social status should be disregarded in the extension of opportunities to individuals on a state level, it is only natural to apply the same principles on a global level and thus disregard nationality. This would mean that these principles should be adhered to regardless of the local context or confines of the state. This theory of international justice is called cosmopolitanism.

### *The history of cosmopolitanism*

Global ethics and cosmopolitanism are closely related, with both terms flexible enough to be able to possess the same definition or denote substantially different concepts (Dower 2007: 83). In order to avoid any confusion, this dissertation will focus on cosmopolitanism.

Modern political thought contains three primary conceptions of the morality of international relations. The first, international moral skepticism, holds that moral judgments can only govern domestic relations, and these types of judgments are meaningless in international relations (Beitz 1979: 406). While international skepticism's defenders agree individuals must put constraints on their self-interests, states themselves are constrained only by the rule to promote their national

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<sup>83</sup> For an extended discussion and explanation of a new conception of sovereignty, see *Logical Extensions of the Responsibility to Protect* (Hayes 2009).

interests (407). Beitz argues it appears difficult to maintain a consistent skepticism about morality in international relations without extending that skepticism to morality generally (407-408).

The morality of states, a reaction against international skepticism, maintains states are, in fact, constrained by certain moral rules (Beitz 1979: 408). This is called social liberalism, and it holds society has two levels (Beitz 2009: 518). The first level is the state, which is responsible for the political, social, and economic well-being of its members (Beitz 1999: 518). The second level is international society, which is the organization of states, and it must create and maintain an environment where state-level societies can operate (*ibid*). Social liberalism has two primary principles: (1) a state's sovereignty is absolute and its boundaries are 'morally fundamental' and (2) it has a right to its wealth and is not subjected to restrictions in its market transactions (Beitz 1979: 408-409).

The final conception of international relations is cosmopolitanism, a theory holding international relations are subject to certain moral constraints but rejecting the idea state boundaries are morally fundamental (409). Instead, the state itself is also subject to external moral judgment since it is people, not states, that are the ultimate subjects of international morality (*ibid*). Some proponents of cosmopolitanism maintain it is a political theory on political institutions and practices, not a moral theory governing individual behavior (Beitz 2009: 519). Yet even these theorists concede 'cosmopolitan liberalism is individualistic in a way that social liberalism is not' (Beitz 1999: 521). Not surprisingly, certain strains of cosmopolitanism (e.g., cosmopolitan egalitarianism) have strong individualistic aspects.

In cosmopolitanism, 'every human being has a global stature as an ultimate unit of moral concern' (Pogge 1992: 49). As a result, international justice must primarily concern itself with fairness to persons, not to societies (Beitz 1999: 515). Thus, the scope of justice should not be limited to particular groups, especially when such groups are founded upon ethnicity or nationality (Beitz 2009: 17).

There is a distinction between legal and moral cosmopolitanism. Legal cosmopolitanism focuses on ensuring all individuals have equal rights and duties (Pogge 1992: 49) and will not be examined here. Moral cosmopolitanism, on the other hand, is the recognition that all individuals are of moral concern, and this recognition places certain constraints on our conduct and our construction of institutions (*ibid*).

Moral cosmopolitanism can be further subdivided into two parts. The first is institutional cosmopolitanism, which is concerned with principles of justice and the construction of institutions in order to achieve these principles (50). Under this version of cosmopolitanism, institutions are responsible for fulfilling individuals' human rights, with individuals taking an indirect role of fulfilling these rights by making reasonable efforts to aid others and reform unjust institutions (ibid). The second is interactional cosmopolitanism, which is concerned with the behavior of individuals (ibid). Interactional cosmopolitanism holds individuals to have direct responsibility to fulfill other individuals' human rights. It is important to note these two types of cosmopolitanism are not mutually exclusive (ibid).

While socioeconomic justice within the domestic realm has existed for many years, it is only within the past thirty years that philosophers have attempted to extend the ethics behind socioeconomic justice internationally (Blake 2005). This extension, however, has encountered significant difficulty as a result of what may be viewed as two contradictory parts in liberalism: (1) Moral egalitarianism, in which anything resulting from luck should not be considered when deciding benefits or consequences, and (2) the fact this egalitarianism has traditionally only been extended and realized within a domestic society (ibid).

Given the apparent contradiction in liberalism, philosophers have devised three different ways in which to resolve it. The first group contends the equality inherent in moral egalitarianism can only be applied within the confines of a single society or nation (ibid). The second group argues the contradiction is genuine and thus discards the notion that moral egalitarianism should only be applied within the confines of a single society (ibid). For this group, the first step in achieving equality among all persons was the removal of prioritization based on race, class, and gender (ibid). Removing inequality based on nationality and gender is the next logical step (ibid). Basing its arguments on Rawls, the third group maintains reciprocity and toleration are more important than moral egalitarianism in international contexts (ibid). The arguments of each group will be examined in turn.

The first group bases its arguments on the importance of nationality, contending shared membership creates obligations to prioritize members of our own group above members of other groups (ibid). They take two approaches to this argument: (1) metaethical particularism and (2) cultural perfectionism.

- Metaethical particularism: Metaethical particularism insists the very nature of morality means people prioritize their compatriots above others of different nationalities (ibid). According to this line of thinking, morality flows from the values and practices of a community (ibid). Thus, because the community is the source of morality, its preservation means we must value those who are part of it above those who are not (ibid). Yet this reasoning is erroneous since resorting to universal norms is necessary to justify the community's rejection of impartiality (ibid). Furthermore, this argument often refers to specific social or ethnic groups as 'nations', yet such groups actually often extend across borders (e.g., Jews or Tamils) (ibid). Thus, several 'nations' can exist within the same state, and they may have little in common with one another other than living under the same state government (ibid). As a result, the wide array of community and cultural practices that exist in certain states renders partiality to one's fellow citizens even more difficult to justify (ibid).
- Cultural perfectionism: Cultural perfectionism justifies partiality to one's fellow citizens based on the necessity of community and culture for individual human development (ibid). Because everyone is part of a community, their needs will be met by it (Tamir as cited by Blake 2005). However, as Blake (2005), building on arguments raised by Michael Ignatieff, counters, those in the most vulnerable positions are often isolated from their better-off counterparts. As a result, under a cultural perfectionism scheme, not only are the poor more likely to suffer hunger and disease, they are also the least likely to be helped (ibid). Blake maintains cultural goods are simply one of a number of goods, some of which are more important than others (e.g., human survival is more important than cultural affinity) (ibid). In other words, possessing a distinctive way of life fails to justify prioritizing maintaining this distinction for one person over rendering the assistance necessary for another person to survive (ibid). For example, an early 19th century white Southerner should not prefer the interests of other white Southerners over those of black slaves in order to maintain his way of life (ibid).

Supporters of both metaethical particularism and cultural perfectionism appear to 'justify special obligations only to fellow nationals (a cultural matter), not to fellow citizens (a political matter)' (ibid). As a result, surely even they could then agree that our citizenship is morally arbitrary? If this is so, why should our assistance not tread beyond the borders of our own country?<sup>84</sup>

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<sup>84</sup> See Section VI for an extended discussion on this point.

The second group of thinkers to address the inconsistency in liberalism consists of various lines of thinking united under the banner of cosmopolitan liberalism (ibid). This group argues that nationality is just as morally arbitrary as certain other characteristics that people do not choose such as race and gender, and as a result, we must not allow it to factor into our moral decisions (ibid). In other words, it is irrational and inappropriate to only apply liberal egalitarianism to the domestic sphere (ibid). The two main arguments falling under this thinking include:

- The developmentalist approach: This approach is exemplified by Peter Singer, who argues that because starvation and lack of shelter and medical care should be avoided and it is within our power to prevent at least some of this suffering, we are obliged to help those suffering from such things (ibid). Singer maintains that while this may mean we have extensive moral obligations, this extensiveness does not negate our obligation to perform them (ibid). As a result, charity is not a generous donation but a morally mandatory duty (ibid).

Critics argue that cosmopolitan egalitarianism can only be applied on a global level if it is also institutionally feasible since a state supplies safety and welfare functions as well (ibid). In other words, there may be issues in cosmopolitan egalitarianism's ability to be a complete theory of transcendental justice. Once avoidable starvation and similar duties are satisfied, the theory fails to tell us about other duties such as distributive justice that are owed to non-compatriots (ibid).

Some cosmopolitans recognize the issue. Michael Ignatieff (1993: 13) argues that a person can be unattached to the supposed identity nationality brings while still understanding his dependence upon the state for protection of his rights and welfare. Thus, a cosmopolitan can respect and appreciate the nation and state while still questioning its intrinsic value to individual identity.

This dissertation generally concurs with many of the ideas proposed by cosmopolitan egalitarianism. Its prioritization of equality over compatriotism appears plausible in light of the previous section's discussion on nationality. Furthermore, its apparent inability to address its institutional applications is not relevant to the argument for our obligations to children since the obligations discussed here are primarily for the basic variety of goods (e.g., food, shelter, and healthcare) for which Peter Singer argues.



- Rawlsian Cosmopolitanism: Supporters of this viewpoint apply Rawls' arguments globally instead of within a single society, maintaining it was a mistake to limit them to the domestic sphere (Blake 2005). Blake, however, counters that Rawls specifically called for certain institutional prerequisites in deciding cooperative relations between citizens, and these relations are to be decided between citizens of the same state (ibid).

Defenders of Rawlsian cosmopolitanism reply that Rawls' social cooperation was unfairly limited to the state and should, in fact, cover international relations given the economic, trade, and cultural links they share (ibid). Yet critics counter territorial legal systems should also factor into such theories, and this version of cosmopolitanism fails to account for it (ibid).

The third set of arguments derives from Rawls' *The Law of Peoples*. In this, Rawls accepts states and, to a certain extent, state sovereignty as given realities, yet he explicitly rejects the idea of distributive justice applied on a global level (ibid). Yet this is one of the most often criticized aspects of Rawls' theory since it leaves him in the tenuous position of respecting illiberal states that deny certain rights to their citizens, thereby putting state rights above individual rights (ibid). Blake deems this 'a notion of international toleration we have reason to regard with suspicion' (ibid).

### *Cosmopolitanism defined*

As shown in the previous discussion, all cosmopolitan positions contain three components: individualism, universality, and generality (Pogge 1992: 48). First, individualism argues that people, not tribes, cultures, ethnicities, or nations, are the fundamental units of moral concern. Secondly, universality means all people share this status as the most basic unit of concern (ibid). Finally, generality holds that people<sup>85</sup> must regard all other people as this ultimate unit; in other words, we cannot concern ourselves only with those who share our nationality, religion, or blood (49).

### *Objections to cosmopolitanism*

As with most moral theories, cosmopolitanism remains controversial, although it appears to be undergoing increasing acceptance. Objections to this theory range from the implausible to the well-considered, and a few of these objections will be examined in turn.

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<sup>85</sup> By which I mean the plural of individual persons, not in the Rawlsian sense of ethnicities or nations.

One of the less convincing objections to cosmopolitanism is the claim that we cannot actually identify with those of other cultures, and this renders nationality morally important. Amartya Sen effectively counters this objection by attacking it on two levels. First, he counters most critics offering this claim mistake disagreement between countries or cultures for misunderstanding between them (Sen 2009: 152). Furthermore, given countries around the world are currently discussing policies and procedures for handling the economic crisis, fighting global terrorism, and coordinating climate change policy, it is implausible that mutual identification does not exist.

This appears even truer in the context of children. Millennium Development Goal 2 calls for universal primary school attendance, and as Chapter 11 shows, enrollment figures have increased around the world. Thus, when it comes to policies that affect children, people seem to understand (and agree) that nurturing the young is of primary importance.

Surprisingly, many people fear enacting global justice will eventually lead to a single world state since coercive global institutions will be necessary to ensure such justice (Gosepath 2001: 162). While certain global institutions will be needed, their creation does not automatically lead to a single world state. This is especially true for interactional cosmopolitanism in which NGOs are helpful and even necessary (see Chapter 11), but certainly not coercive. Furthermore, fulfilling global obligations is not incompatible with multiple states. For example, rendering assistance under the doctrine of the responsibility to protect does not conflict with the presence of multiple states; instead, such a doctrine is strengthened by these states' agreement on the principle.

Some critics also argue we are in a better position to help our compatriots and therefore must assist them first. Pauline Kleingeld (2000: 337) rejects this claim, arguing that it is empirically false and philosophically unfounded. Empirically, US\$100 helps far more people far more meaningfully in war-torn Congo than it does in the wealthier United States (*ibid*). Furthermore, if that same amount of money actually provided greater assistance to a compatriot than it would to a someone living in a foreign country, then that is a reason not based on helping compatriots first but first helping those in the greatest need (*ibid*).

In a similar line of argument to Kleingeld, Robert Goodin (1988: 685-686) argues we are equally obliged to everyone, and first helping members of our own country is simply the most convenient way to fulfill these duties given our knowledge of their needs and the ease of helping due to proximity. However, he recognizes that, given the uneven distribution of resources, people

within poor nations simply cannot fulfill these obligations in the same capacity as people within rich nations can; thus, according to Goodin, it is ‘wrong to give priority to the claims of our compatriots’ and we need to assist those outside our own nation’s borders (686).

Finally, Charles Beitz (1999: 526-527) cites the commonly held objection to rendering assistance to those living in less developed countries when those countries, either through poor governance or irresponsible social policies, are perceived as being responsible for the differences in wealth between the two nations. In response, Beitz first highlights that this objection rests on the non-trivial assumption that the poorer society’s inability or refusal to enact more responsible policies largely arises from internal factors as opposed to its historical or present participation in the world political economy (526). Secondly, Beitz emphasizes that those who suffer from poor policy choices are rarely those who chose to enact them; in fact, since economic and social development can take many years, citizens in certain nations may be suffering as a result of decisions made a few generations prior to their birth (527). Essentially, because they are dynamic (e.g., births, deaths, immigration/emigration), societies are often unlike individuals (528). A person who makes a poor decision and the person who suffers from that decision are still the same person (*ibid*). However, the people in a society who make poor decisions and the people who suffer from them – and this is especially true in non-democratic societies – are not the same people, so the analogy does not hold (*ibid*).

#### Remarks on nationality

It appears that, little by little – changing such attitudes takes time – people are increasingly accepting the idea that nationality is morally arbitrary, especially since it is the next logical step after accepting race and gender as such. In 1988, Robert Goodin discussed the then-prevailing view that we have no duty to help those beyond our borders (670). Yet after disasters such as the Rwandan genocide and conflicts in the Balkans in the 1990s, this view is changing. While discussing a film about the 1975 deaths of five Australian journalists in East Timor, Robert Connelly, the film’s director, remarked ‘how meaningless national identity becomes at a moment when order breaks down completely’ (*The Economist* 2009c). Conflicts have highlighted this, and a more cosmopolitan view is now slowly spreading throughout society. Although this view respects the sentimental attachment to nationality, it understands that membership to a particular one cannot exclude assistance to outsiders.

Not that compatriots should never be helped. Kleingeld (2000: 340-341) says that, if all else is equal (i.e., the needs between one nationality and another are the same) and circumstances dictate that you may only assist one group, it is morally acceptable to choose to help the group of which you are a part. While this is theoretically true, basic needs are rarely equal between people living in separate countries. Thus, on a practical basis, residents of more affluent nations must prioritize certain humanitarian obligations to those living outside their borders over those living within the same country.

#### *Conclusions on moral obligations, nationality, and cosmopolitanism*

Although popular conceptions of morality focus on non-maleficence, beneficence also plays an important role in moral life. Because of the moral arbitrariness of nationality, our beneficent obligations must occur in the international arena. With this in mind, the next chapter presents the case for creating an equality of opportunity for children.

## The Moral Case for Helping Children

### Chapter 7

Theories of domestic justice are well developed, and the problems within this sphere are well defined (Nagel 2005). Theories of international justice, on the other hand, are nascent in comparison, and philosophers are still defining the issues (ibid). Chapter 6 provided a general overview of beneficent obligations to others, and this chapter will begin grounding and applying those obligations within the context of disadvantaged children.

This chapter proposes that individuals have a moral obligation to make a sustained commitment to ensuring equality of opportunity for all children. This is particularly true in the context of disadvantaged children since, by their very definition, they are less likely to be able to access the resources for success their more fortunate peers possess. As Chapter 5 argued, there are several pragmatic reasons to fulfill these obligations, but more importantly, there are strong moral ones as well. In a 2009 speech in Ghana, Barack Obama (2009b) declared it is important to help others ‘because in the 21st century, we are called to act by our conscience and our common interest. When a child dies of a preventable illness in Accra, that diminishes us everywhere. And when disease goes unchecked in any corner of the world, we know that it can spread across oceans and continents’.

#### A nod to John Rawls

John Rawls’ theory of domestic justice has significantly impacted the direction of moral philosophy. His work has influenced many prominent philosophers, even when they do not fully agree with him.

Rawls’ notion of justice-as-fairness is not a comprehensive moral theory but simply a theory of justice (Norman 1998: 190). His approach has significantly influenced public policy’s focus on eradicating poverty (Sen 2009: 64), although many philosophers find the idea of extending this theory of institutional justice to an international level significantly problematic (see Sen 2009).

In addition to his influence on public policy’s focus on poverty, Rawls also made an important contribution to our conception of justice when he draws attention to the fact that people appear

to have the capacity for justice (Sen 2009: 63). Amartya Sen notes this is in opposition to rational choice theory, which argues agents only act within their self-interests and have no ‘capacity or inclination to consider ideas of fairness and justice’ (ibid).

Like many other philosophers who have read Rawls, I do not seek to ground my arguments in his version of social contract theory, although his arguments for justice-as-fairness have significantly impacted my thinking. Reading *A Theory of Justice* and, later, *The Law of Peoples*, were both very influential when I began considering our moral obligations to children. Although I have come to disagree with many of the elements contained in the way Rawls approaches domestic and international justice, I acknowledge my debt to him.

## **I. Institutions vs. individuals as fulfillers of obligations**

A strong and influential strain in modern moral theories regards political and civil institutions as the entities primarily responsible for fulfilling moral obligations to others. This is curious for a two reasons. First, it is a relatively recent phenomenon. Fulfilling obligations in this manner requires functional political and civil institutions. While these were established beginning in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries, their extension to move from security and protection to welfare dispensing entities is far more recent.

Secondly, it is a reaction to failures in modern moral thought. Moral thinking moved from a focus on individuals to the notion that moral claims were nothing more than statements of opinion. While the pendulum is now moving back, many prominent moral philosophers, including John Rawls and Charles Beitz, now primarily concentrate on fulfilling moral obligations through institutions. However, although institutions have an important place in moral thinking, they often fail (see Chapter 4). While a few theorists such as Peter Singer continue to focus on individuals, the overwhelming amount of literature discussing institutional roles in fulfilling moral obligations has left a gap in our moral thinking regarding individuals’ beneficent obligations to others. As a result, moral theories need to re-examine and re-emphasize these roles. This section will examine the purpose and place of institutions in modern moral thinking but argue that they have certain weaknesses for which individuals can compensate.

### *The purpose of institutions*

Anthony Giddens (1990: 17-36) observes the remote relationships inherent in modernity require mediating institutions of trust. Essentially, the rise of the specialization of labor has necessitated

‘disembedding mechanisms...[that] remove social relations from the immediacies of context’ (28). In other words, because of mechanisms such as a common currency and government regulations for certain exchanges (e.g., building codes, food safety standards), individuals no longer need to trust other people for everyday transactions; instead, they only need to trust the institutions that regulate such things. While there is no doubt that the rise of these mediating institutions has imparted a substantial overall net benefit for society, it has also entailed a lack of interaction with others to solve problems (e.g., an individual does not buy milk from a reputable farmer but instead relies on government regulations to ensure the milk is safe to consume). Thus, because of these mediating institutions, we no longer must trust and interact with strangers in anything other than a formal, transactional way (e.g., store purchase, annual charitable donation at Christmas).

In one of its roles as a mediating institution, the government has begun to regulate an increasing number of areas to ensure individuals’ safety and protection. Not surprisingly, individuals have now begun to look to the government to solve problems not just of safety but also of a social nature (e.g., homelessness, unemployment). While, as Chapter 4 argues, this is not an inherently negative consequence as long as individuals recognize the responsibility to solve social problems is ultimately their, not the government’s, responsibility, it appears that both individuals and many theorists have begun to think of this as solely a government issue.

### *Institutions and distributive justice*

As distributive justice has become more important in modern political and moral thinking, philosophers have increasingly argued the government is responsible for ensuring this just distribution. Thomas Pogge (1988: 230) contends institutions are the only entities able to ensure lasting change, asserting individual efforts can, at best, maintain a society only marginally above an equilibrium of complete self-interest.

Evelina Danino (2007: 61), on the other hand, views individual efforts to alleviate distributional injustice as a result of the sinister influence of ‘neoliberal forces’. Liam Murphy (1998: 258, 263-264) takes a less conspiratorial view, arguing for a division of moral labor that allows individuals to pursue their conception of the good life while background institutions ensure distributional justice. He asserts individual efforts to ensure distributional justice would simply make these agents ‘miserable’ (258).

These arguments warrant several responses. The first is to remember we operate under nonideal theory. While ideal theory examines the principles of justice in favorable circumstances, nonideal theory examines those principles in light of the imperfect world in which we live (Rawls 1971: 245-246). In this imperfect world, the background institutions so lauded by these philosophers are not functioning ideally (see Chapter 4); thus, even assuming ideal theory would leave us to our own pursuits, the conditions of our nonideal world demand we augment institutional support. We cannot simply focus on ourselves and hope all goes well with those less fortunate.

Secondly, we must be mindful that institutions are a manmade framework constructed to better organize social relations. They are not, in and of themselves, a type of transcendental truth. As a result, we are perfectly capable of – and, when they are unjust, responsible for – reforming or redesigning them. Some argue that our obligations can only be organized by existing institutions, yet because of our ability to reform these institutions, our obligations do not rest on them (Beitz 1999: 523). Instead, the institutions rest on our obligations.

Even Murphy (2000: 13) agrees, arguing that since our world does not have ideal institutions, we have greater obligations than to merely support ideal ones. Thus, until we have ideal institutions that, in a very real sense, ensure a perfectly just society, we must actually help to bring about that society ourselves (although, as noted elsewhere, that may in part be through actively reforming institutions).

Thirdly, although Murphy (1998: 258) claims agents would find an individual obligation to ensure distributional justice unappealing, it is appalling if this is so. In his article ‘Institutions and the Demands of Justice’, Liam B. Murphy argues the moral principles that apply to the design of institutions also apply to individual conduct (251). Murphy asserts that if we associate justice with institutions, we simply think of people collectively working through institutions to secure justice (256-257). While this is an excellent theoretical point, it does not coincide with people’s actual behavior. Instead of people conceiving themselves as acting collectively through institutions to ensure justice, they become disassociated with the institutions and do not perceive these entities to be acting on their behalf. In other words, the institutions are perceived to be completely separate from the agents, whether considered collectively or individually. A perfect example are the hundreds of millions of citizens living in democracies who choose not to vote because they consider the government to be a remote entity not intimately connected with their



lives, an ironic stance given that a citizen's vote is a crucial featuring in sustaining a democratic political system.

This example coincides with Nagel's argument in *Equality and Partiality*: if moral thinking automatically resorts to entrusting moral obligations only to mediating institutions, individuals will eventually forget why we use them and remember only that we use them. Yet this 'why' is of fundamental importance to ensuring justice's continuing support. As Murphy notes, we cannot completely free people from moral concerns if we must still rely on them to support just institutions (259).

Furthermore, it is not clear why we must eliminate the need for individual agents to be concerned about distributional justice in their everyday decisions. Clearly, it is not feasible for an agent to make a detailed calculation every time he must decide upon a course of action, yet an understanding of the consequences of our actions on those around us should always be part of our decision making process. This understanding is an essential part of a healthy society. Since, as inherently social creatures, we must live and function in a society, I fail to see why an agent should regard acknowledging the distributional consequences of his decisions as undesirable.

Finally, our moral thinking should not automatically resort to institutions because it is possible for individuals to be just even when the society in which they live is not. In fact, in the cases of unjust societies, it is all the more important that these individuals act apart from the institutions under which society operates. This point highlights two different ways of thinking about the individual/institutional divide: monism and dualism.

A prominent feature of much of Rawls' philosophy, dualism promotes a two-tiered theory of the moral obligations of justice, arguing the principles of justice require individual agents to design and promote just institutions (282); thus, separate obligations of justice exist for institutions and individuals. As a result, dualism holds people's only obligation under distributional justice is to promote just institutions (271). It is then these institutions' responsibility to fulfill obligations of justice (ibid).

However, dualism is difficult to support philosophically. For example, Onora O'Neill (2001: 189) acknowledges in modern society, institutions, and, more specifically, states, have been the primary agents of justice. However, she also recognizes that such institutions have often been the

agents of injustice; thus, she sees no reason why individuals or groups of individuals cannot also be agents of justice (*ibid*).

Furthermore, accepting the Rawlsian viewpoint of having one set of principles for institutions and another for individuals ‘will yield an implausible account of what people should do in non-ideal circumstances’ (Murphy 1998: 279). Rawls (1971: 241), of course, acknowledged that he was focusing only on ideal theory in his application of justice-as-fairness, and while it works well in those circumstances, they fail to reflect the practical barriers to distributional justice that we face in our real world circumstances of nonideal theory.

In our nonideal world, monism is far more plausible. Monism holds that there is no separation between individual and institutional obligations of justice. Thus, under monism, individuals have a direct responsibility for ensuring justice through the best means available (271, 282), with the reason being that it is implausible that an agent incurs an obligation to support an institution without also incurring an obligation to support the institution’s purpose (e.g., if the institutions ensures racial equality, an agent also has an obligation to ensure racial equality) (280). While the best way to promote justice may be through institutions,<sup>86</sup> this is not always so.

Murphy notes this is most obvious in nonideal circumstances (280-281). The world in which we live has numerous examples of states that have failed to fulfill even the most basic obligations of justice (283). Under monism, if people are better able to alleviate inequality and injustice directly instead of working through these institutions, they should do so (280). Dualism, however, would tell us to only promote just institutions, even if the aim of those institutions can better be achieved by working with the issue directly (281). This conceptual divide is particularly important in the international context since time and resources are often better spent working directly through humanitarian agencies than by trying to promote just international institutions (*ibid*). That said, it also applies in domestic circumstances. For example, a billionaire living in the United States may be able to do far greater good by donating money directly to schools or hospitals than by giving it to the Democratic party (*ibid*).

Dualism’s resort to only using institutions to promote justice has many important shortcomings. First, dualism often does not account for individuals’ real world choices. Thus, seemingly per-

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<sup>86</sup> The promotion of peace is one such example. In order to halt genocides and other intrastate conflicts, it is far better to send a national or international army or peacekeeping force than to attempt to coordinate individual efforts to end such actions.

fectly just institutions may not lead to perfectly just societies if they fail to account for people's actual behavior under such institutions, given that their behavior is not always compliant (Amar-tya Sen 2009: 6, 68). For example, countries devote significant resources to tax collection, yet tax evasion is not uncommon. Greeks, for instance, evade as much as €15 billion in taxes each year, a small sum compared to Italians' €100 billion in uncollected taxes annually (*The Economist* 2010i).

Furthermore, institutions have a way of staying in existence well past their useful life, pending that they were actually effective upon creation. Once government bodies and institutions are created, they generally find ways to perpetuate themselves even when they are no longer necessary.

This said, it is recognized that, even in nonideal circumstances, individuals may best be able to promote justice by reforming certain institutions. For example, Thomas Pogge (1989: 276) argues institutional systems tend to be imposed upon the world by its most advantaged participants. Because institutions are created, perpetuated, and changed by individuals, it is the latter's responsibility to modify these institutions when such entities consistently produce a distribution of benefits and burdens that is morally unjust (*ibid*). In these circumstances, people who benefit from an unjust regime are obliged to change that regime (35-35). While this is often obvious when injustice is explicitly incorporated into the system (e.g., apartheid), it can be more difficult to detect when the injustice is neither explicit nor implicit but only recognizable in the patterns of outcomes it produces (*ibid*). For example, a system that consistently distributes the least favorable economic outcomes to minorities may not be intentional, but because such outcomes are likely unjust (e.g., these minorities are poorer because they lack access to the education necessary to obtain higher paying jobs), those who benefit from the system must promote its reform so that distributional outcomes are more just.

Furthermore, there is a common – and quite plausible – assumption that aid is more effective if disbursed in countries with stable, functioning civil and political institutions (Klein & Harford 2005: 36). Strong civil and political institutions are important to aid since weak institutions – particularly the rule of law – can render aid ineffective (Singer 2009: 115-117). For example, one study found that increases in state spending on education and health – two areas often funded by development aid, could be substantially diminished – or rendered completely ineffective – by poor governance (Baldacci, Clements, Gupta, & Cui 2008: 1327). Thus, assuming aid given through institutions is more effective than aid rendered individually (although this is doubtful – see Chapter 4), individuals should consider spending their time to promote just institutions.

*An argument for the individual*

While institutions are certainly critical in promoting and implementing social and distributional justice, it is important that individuals directly promote these types of justice, too. Amartya Sen (2009: 82) argues we must not treat ‘the institutions as themselves manifestations of justice’ but simply as another way to promote justice. His point is especially pertinent in our real world society in which institutions are often neither promoting nor ensuring justice (see Chapter 4). In this world, institutional cosmopolitanism’s need for functioning global institutions is a liability, yet individual cosmopolitanism has no such constraints.

Theorists who argue institutions alone offer the only hope of remedying issues of social injustice appear to have an unduly negative view of humanity. For example, Thomas Nagel (2005) argues while we can avoid harming people without institutions, institutions are necessary if we want to fulfill certain humanitarian obligations. This is not necessarily so, yet Nagel implies individuals, even when committed to a principle, will not act in accordance with that principle unless institutions ensure others do the same (*ibid*). Fortunately, this does not hold true when compared with life experience. For example, there are many people who strongly believe in giving to charity and often do so, even when institutions do not coerce others to do the same. This category crosses all socioeconomic classes from mega-philanthropists such as Bill Gates and Warren Buffett to much smaller donors such as those who participate in cancer awareness runs. Thus, while knowing that other agents are acting in accordance with a higher principle of distributional justice may provide additional motivation to individuals making moral decisions, it is not a necessary condition to ensuring a just outcome.

Furthermore, it doesn’t seem logical to argue for institutional cosmopolitanism without also arguing for individual cosmopolitanism. If people are ‘the ultimate units of concern’ (Pogge 1992: 48), institutions have only instrumental, not intrinsic, value. In other words, they only have value because assisting the individual units of concern gives them value. There are no absolute moral principles that invest power in institutions and thus make them intrinsically valuable. While institutions may mediate relations between people, they can, at best, act as proxies for individuals since institutions are ultimately controlled by people. In light of this, it is peculiar to argue an individual’s obligation is only to promote just institutions since it is individuals that actually created such institutions in the first place. Furthermore, if people are the ultimate units of moral concern, then individuals primarily have a duty to each other, not to the institutions that may

mediate relations between them. As a result, it is fundamentally an individual's obligation to fulfill distributional justice, although, again, this may best occur through institutions.

When deciding whether efforts toward promoting social justice are best aimed at institutions or individuals, agents must decide where they are likely to be most effective. Peter Singer (2009: 37) acknowledges there may be times when our efforts to help those in need are best aimed at reforming institutions; however, he caveats that we must realistically estimate the probability of achieving the type of change we seek and, if it is too low, redirect our efforts toward directly helping people. For example, an individual with little time and only modest amounts of money will likely find the most good can be done by donating directly to an NGO, not lobbying her state senator to increase the United States' aid development budget.

Bypassing institutions has several benefits. First, an individual may have the greatest impact by first reforming his own behavior instead of vaguely waiting for the government to do so through coercive institutions. In other words, an individual will have a far greater impact by immediately devising and implementing a plan to increase his charitable donations instead of waiting for the government to do so indirectly by both raising taxes and increasing welfare benefits.

Furthermore, encouraging individual efforts to fulfill obligations of social justice<sup>87</sup> avoids concerns about the coerciveness of institutions. Many of those who oppose cosmopolitanism (see Rawls 1999 and Blake 2001) do so on the grounds of autonomy. They argue peoples (meaning nations as opposed to individuals) have a right to choose their way of life and the institutions to which they are subjected. Thus, because there is not a way to make these decisions at the international level, cosmopolitanism is a violation of individual autonomy.

If autonomy is that highly valued, it strengthens the case for individual cosmopolitanism. Under individual cosmopolitanism, all agents are equally valuable, and this chapter will later argue this equality demands equality of opportunity and individual efforts to ensure it. This type of cosmopolitanism requires crossing borders since people may live in nations with well-ordered,

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<sup>87</sup> To be clear, 'obligations of social justice' is not, in this context, defined as fulfilling others' human rights, especially since such rights exist only in the context of institutions (see Pogge 1992: 50-51). While these two terms will often have similar definitions, in this context, 'obligations of social justice' involves ensuring equality of opportunity for all individuals, a phrase defined later in this chapter.

chosen institutions but still not be fully autonomous because of a life thrust upon them by poverty.<sup>88</sup>

Emphasizing the importance of individuals' roles in distributional justice also effectively counters arguments for certain inequalities globally. Beitz (2009: 22) describes some arguments that oppose moral cosmopolitanism by reasoning people are subjected to coercive institutions primarily on the domestic level, not the global one, which means inequalities that would not be tolerated on the domestic level (since people have supposedly agreed to the institutions that would limit them) may be tolerated on the global one. While there is likely a solid argument for tolerating certain relative inequalities, it would be very difficult to devise a supportable argument that absolute inequality (defined as the lack of basic provisions such as food and healthcare) should be tolerated at the global level. If people have equal moral status, basic provisions should be similar no matter where an individual is located. By arguing that individuals, not institutions, are ultimately responsible for this provision, we can effectively circumvent concerns about the coerciveness of institutions.

Emphasizing individuals' importance in fulfilling obligations of social justice also allows the focus to remain on the recipients of such efforts, a point that is often lost in the debate about institutions. In certain areas, we must primarily concern ourselves with the victim, or least advantaged person. For example, if a perpetrator shoots a victim and then flees and only one bystander has witnessed the event, that bystander has a greater obligation to assist the victim than to chase after the perpetrator, even though such a course of action may fail to satisfy our deep-seated need for justice. In the same way, instead of engaging in interminable debate about the justice or injustice of domestic and international institutions, we would be far more effective if we work directly with people in need of social justice. If we make that our priority, we may then reform our institutions in the process.

Finally, emphasizing individuals, not institutions, have the ultimate responsibility for fulfilling obligations of social justice allows us to remain unconstrained by many of the practical barriers institutions face. Because institutions depend on political systems, their effectiveness is significantly constrained by the large number of weakly governed or corrupt countries the world contains. This fact alone leaves a significant vacuum that individual efforts towards ensuring so-

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<sup>88</sup> Botswana and Cambodia provide two such examples. Both are largely considered examples of good governance within their regions and yet consistently rank in the lower half of the human development index (Watkins 2007: 231).

cial justice can fulfill. It is far easier for an individual to directly help a victim in another country than it is for that individual to attempt to reform all of the institutions that may mediate the two. Put simply, it is far easier for Person A to assist person B than it is for Person A to pressure Government A to pressure Government B to assist person B.<sup>89</sup>

Finally, individuals have a greater capacity to fulfill these obligations than many critics suppose. While one individual's efforts are unlikely to induce large scale change (although there are exceptions such as Bill and Melinda Gates), many individuals can accomplish a significant amount. Furthermore, in the presence of weak institutions – again, a fact all too common in our nonideal world – it is better for a few individuals to begin assisting others than for everyone to look to the government while people continue to suffer.

## **II. Why do individuals specifically incur obligations to children?**

Recognizing there is a place for individual responsibility in directly fulfilling moral obligations to others, as opposed to just the institutions that may support them, why do individuals specifically incur social justice obligations to children?

It is widely recognized that children are, first and foremost, the responsibility of their parents (Kent 2005: 98). This is reasonable given that the creator is generally responsible for the creation, and those who create obligations of responsibility for themselves are then responsible for fulfilling those obligations. A person would not, for example, buy a cat and then expect his neighbors to care for it.

Parenting is an intensely personal issue. Most societies protect the family unit and allow parents a substantial amount of freedom in deciding how to raise their children. Still, there are limits. Malfrid Flekkøy (1992: 138) argues it is dangerous for a society to view children as the possession of their parents since it makes adults more reluctant to help children in disadvantaged situations. In such cases, outsiders may consider intervention neither their business nor their responsibility (ibid). Yet parenting is a privilege as well as a responsibility, and a person should not receive the privilege without fulfilling the accompanying obligations. When those obligations are not fulfilled, external parties may need to intervene.

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<sup>89</sup> The one exception to this argument is the state's monopoly on violence. In cases such as Darfur and Congo, individuals should pressure their governments to in turn pressure the governments of victims living among such atrocities.



We already recognize areas in which parents are not solely responsible for their children (ibid), including mandatory schooling and certain aspects of healthcare (e.g., blood transfusions for minors raised in the Jehovah's Witness faith). However, parental responsibility extends beyond these obligations and involves satisfying the child's basic needs. When these needs remain unfulfilled, a parent's right to largely exercise sole control over the child is greatly diminished since societies' responsibility towards children will transcend a parent's freedom in raising them (137).

A parallel exists in political philosophy. In 2005, the United Nations General Assembly unanimously adopted the doctrine of the responsibility to protect. Under this doctrine, states have specific obligations to their citizens, including protecting them from genocide, ethnic cleansing, war crimes, and crimes against humanity. Should the state fail to do so, the civilians' protection becomes the responsibility of the international community. In order to fulfill this responsibility, armed intervention may be necessary.

Likewise, parents are responsible for fulfilling the needs of their children. When they are unwilling or unable to do so, this responsibility falls upon the larger community. Why? Because the child is the fundamental unit of moral concern, and ensuring that his basic needs are fulfilled transcends any autonomy a parent may have. Like the responsibility of protect, external parties may forcibly intervene, including removing a child from a dangerous home against the will of her parents. As this chapter will show, while a child may primarily be the responsibility of his parents, it is both pragmatically and morally incumbent upon the external community to ensure all children are provided access to the same life opportunities.<sup>90</sup>

Abusive parents are not the only reason the external community may need to intervene to ensure a child's equal opportunities in life. The poor may also need assistance. Geof Wood (2003: 456) asserts there are many types of poor people, including orphans, who are effectively unable to be

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<sup>90</sup> If the immediate family is either unwilling or unable to care for a child, most people consider the responsibility to then fall to the extended family. While this may be the best course of action based on familial or culture similarities and the familiarity of the child with these extended family members, there appears to be no moral truth that extended family incurs such obligations.

This is especially true in cases in which the extended family is already overburdened by poverty and other community issues. For example, while Africa has shown an admirable ability of the community to care for orphans of HIV/AIDS victims, poverty and the sheer number of children orphaned by the disease mean the community is quickly approaching the limits of its ability to care for children affected by the disease. In such cases, while extended family may be the best option to care for these children, external parties are equally as obliged. After all, extended family was no more responsible for the child's creation than the community at large; thus, all members incur equal obligations to it.



autonomous agents despite the provision of external support. These people, Wood argues, must rely on a responsible government to help them, and if such a government is not available, they must rely upon ‘others bound to them by some sense of morality and community’ (ibid). It is this morality and the equality of opportunity it requires for which this dissertation argues.

In assessing these issues, we must not engage in interminable debates about whose fault it is that children suffer so much but instead focus on the actions we can and should take to remedy these issues (Kent 2005: 98). In other words, we must separate the blame for such situations with the remedies necessary to correct them (131). These actions may, of course, include assessing fault and implementing preventive measures based on the findings; however, such actions should primarily focus on fulfilling obligations of social justice to the child (see Chapter 9 for the specific obligations). Naturally, we do not want to perform these actions in such a way that parents can completely abdicate their responsibilities, yet there is plenty of room to maneuver between the two extremes.

Finally, we must be mindful that any arguments against caring for children not our own will likely include the premise that our current distribution of wealth and resources both within societies and between them is fair (Pogge 1989: 265). However, this does not seem plausible. Given the world’s history of slavery, colonialism, unfair trade practice, and the like, it is highly unlikely that the world’s resources are distributed in the way they would have been had such unjust events not occurred (ibid). While it is doubtful that we can now accurately compensate for our forefathers’ sins, we can remedy the issue going forward by providing all children with the same access to opportunities no matter their location or family history. In other words, while we cannot wholly compensate for the past, we should not presume that our current wealth or lack thereof is wholly the result of our own efforts (ibid). Thus, in order to live in a just society, we must ensure that everyone participating in the world system benefits from it (ibid).

This means that children are our responsibility in part because we benefit extensively from the current system. Harking back to a portion of the discussion in the previous section on institutional and individual roles in fulfilling moral obligations, Thomas Pogge argues the widespread, well-documented misery of so many people as a result of extreme poverty, their suffering from preventable or easily treatable diseases, and their inability – due to either great repression or lack of individual and/or institutional resources – to better their condition merits our attention and

critical reflection (273). Thus, we must ask what causes such hardship and what role, if any, we have in remedying it (ibid).

Before examining this, we must again be mindful of the distinction between moral blameworthiness and responsibility in remedying injustices (see Pogge 1989: 277-278). Most citizens in developed nations are not blameworthy for the malnourishment of millions of children living abroad in the sense they neither directly caused nor intended such suffering (Pogge 1989: 278). However, because these citizens have the ability to alleviate this suffering either through institutional reform (e.g., by holding democratic power over powerful governments, they are in a position to change the institutions that engender such suffering) or through individual efforts (e.g., donations of time or food), they are morally obliged to alleviate the suffering (see Pogge 1989: 278).

It is also important to note alleviating suffering is not always the same as remedying injustice, although in the case of children, this chapter argues we are obliged to do both. For example, most natural disasters are not injustices, although the extent of damage resulting from them may be.<sup>91</sup> In fact, Amartya Sen (2009: 4) argues a disaster is unjust only if it could have been prevented. While some theorists argue we only have an obligation to alleviate suffering if it is incurred unjustly, this chapter will argue we must fulfill certain obligations to children (including alleviating their suffering) no matter the cause.

Still, as the discussion on globalization in the previous chapter highlighted, suffering is far more likely to occur in areas that are less economically developed, and this may in part be due to the injustices previously mentioned. In fact, the majority of individuals living in developed nations significantly benefit from an 'international scheme of trade and diplomacy in which we are highly advantaged participants' (Pogge 1988: 247). Herbert Simon, a Nobel-prize winning economist, estimates 'social capital', including the rule of law, proper transportation and communication in-

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<sup>91</sup> An excellent example is the significant difference in damage and human suffering caused by the recent earthquakes in Haiti and Chile. While of similar magnitude, the Haitian earthquake did far greater damage than the one in Chile (see *The Economist* 2010c). In and of itself, this is not an injustice. However, if the extensive damage triggered by Haiti's earthquake resulted from a lack of resources or weak institutions caused by intervention during slavery and the Cold War (e.g., external meddling resulted in weaker institutions which in turn resulted in weaker building codes and less resources for material that in turn increased the probability of building collapse and death), then the damage is unjust. If similar damage occurred in a place such as San Francisco, it would be tragic but not morally unjust.

frastructure, and a functioning banking system, accounts for 90% of the wealth in developed nations (Singer 2009: 26-27).

This astonishing figure demonstrates our prodigious benefits from cooperation, especially when we are the most advantaged participants in such interactions. The underlying idea is that we simply cannot pay for all of the benefits we receive from a society. For example, we do not pay a market cost of roads but only for their construction and maintenance. Examining this idea more deeply, we gain even greater value from a road network because each individual does not need to build his own network of roads. Instead, each agent benefits from both the labor specialization and mass production inherent in modern transportation systems.

In this thought experiment, imagine the costs, time, and energy involved in undertaking an individual effort to design and build one's own car and transportation system. Even a relatively significant success would pale in comparison to the benefits we receive from our current, cooperative transportation system. When we then realize that part of the reason we are able to pay for such a network is because of the wealth derived from a system in which we are the more advantaged parties,<sup>92</sup> one of two courses of action should result. First, if the system is unjust, we must work to reform it. If, however, the system is procedurally just for those completely part of it but has access methods that are unjust (e.g., systematically excludes certain races or allows certain participants to be included only as suppliers, not beneficiaries), we must create an equality of access for all of those participating in it. This idea of the equality of opportunity will be thoroughly examined later in this chapter.

This example of the wealth obtained from certain trade practices highlights another issue: we must examine our current system of cooperation for unintended but injurious effects (Sen 2009: 47). If I benefit from a system in which I am the more advantaged participant, it may affect others unjustly. If I then take those benefits to further reward myself, it may exacerbate the injustice and injury. For example, if I receive greater profits from unfair – even if only slightly so – trade practices<sup>93</sup> and then spend those gains on expensive dinners and luxury clothes, I may not intend

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<sup>92</sup> Certain coffee importers provide one such example. Some importers are able to derive higher profits even while undercutting the competitors' price because of unfair trade practices that allow them to compensate poor African or South American farmers at unduly low rates.

<sup>93</sup> An unfair trade practice includes not only clearly unjust issues such as predatory interest rates or leveraging a desperate situation but may also include profiting from asymmetrical information (e.g., a farmer does not have access to market rates for his crops and thus accepts payment below such rates) or poor education when negotiating transactions.

to hurt children toiling away at factories in southeast Asia but have done so twice. First, I have bought items from a supply chain that directly injures them. I also used the money to purchase unnecessary items for myself instead of contributing the funds towards enhancing the child's welfare. As a result, we need to scrutinize our actions and the consequences they engender given our privileged status in the world system (see Sen 2009: 48). It is likely that, should we do so, we would change many aspects of our behavior.

In examining this, it is important to understand that macro-explanations generally account for patterns in micro-occurrences (Pogge 1989: 273).<sup>94</sup> For example, person X may have a malnourished child because she is too poor to buy proper food (this is the microexplanation). However this poverty may result from a lack of employment opportunities due to unfair trade practices between Country X, which is poor, and Country Y, which is rich. Furthermore, Country Y's support of Country X's weak, corrupt government allows the latter to consistently misappropriate the food aid it receives (this is the macroexplanation). Because of their advantaged position, it is incumbent upon the people living in Country Y to examine how their individual actions contribute to this injustice. Macro- and micro-actions to remedy the situation may include renegotiating economic transactions to provide a more equitable outcome, providing food, education, or healthcare aid directly to person X or NGOs working with person X, or pressuring the government to reform the institutions negatively impacting person X.

Because of the benefits accrued in the current system of economic and political cooperation, we can assist others to an unprecedented degree. In fact, the relative power and wealth of those living in richer nations provides them with an almost unprecedented position from which to assist those living in less privileged circumstances (275). For relatively trivial amount (e.g., US\$25 per month to sponsor a disadvantaged child in a low income nation), individuals can significantly alter someone else's life. In fact, most middle-class families living the United States can easily care for their own families while still providing aid to those in need (Singer 2009: 40).

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<sup>94</sup> 'A homicide rate is a simple example of a pattern that emerges as the by-product of the uncoordinated activities of many individuals. It is not intended or brought about by anyone. Such rates and the way they vary from country to country cannot be explained by reference to the motives and beliefs of individual agents, though these are crucial to the explanation of particular homicides. The social phenomenon of homicide calls then for explanations on two distinct levels: for *macro*explanation of its rates of incidence and for *micro*explanations of particular instances. Neither type of explanation can fully preempt the other. Individuals' motives cannot account for statistical patterns, and the explanation of a statistical pattern does not account for why the phenomenon was manifested in these instances rather than in others. ... Once we come to understand what rough patterns various alternative sets of rules would engender, we can bring our moral valuations of these patterns to bear upon our moral assessment of alternatives sets of rules.' (Pogge 1989: 30-31, emphasis in the original)

The best way to remedy injustice is to create an equality of opportunity for all children. Numerous studies have shown that a lack of equality of opportunity is detrimental to a person's life prospects. Interestingly, John Stuart Mill (2005: 40) argued humanity's comparative worth (i.e., worth compared to other animal species such as apes) is based upon individuals being able to choose their own life paths as opposed to being forced to tread down those set before them. Findings from a World Bank study concurred. The Bank concluded equality of opportunity was important for four reasons: (1) it is generally a necessary condition to obtaining better employment and higher wages, (2) it possesses intrinsic value in and of itself, (3) it allows people to more effectively participate in politics and other institutions that affect their lives, and (4) it lessens the likelihood of inequity due to gender, ethnicity, and other qualities generally considered morally arbitrary (Barros, Ferreira, Vega, & Chanduvi 2009: 151).

Education is essential to ensuring equality of opportunity, and economists have established a strong positive correlation between an individual's educational quality and attainment and his(her) employability and earnings later in life (Taylor & Yu 2009: 44). In fact, inequality of opportunity is responsible for approximately 15% of the difference in educational achievement in most developed nations (Barros, Ferreira, Vega, & Chanduvi 2009: 19).

Statistics show the world contains vastly unequal access to opportunities. This begins from the moment of birth. In developed nations, the infant mortality rate, defined as deaths per 1,000 live births, was 6 (Population Reference Bureau 2010: 6, 17). That number rises dramatically to 50 for less developed nations and 81 for the least developed (6). This means the infant mortality rate in developed nations is only 7% of the rate in the least developed nations. Incredibly, in Afghanistan, the country that reports the highest infant mortality rate, there are 163 infant deaths per 1,000 births (Population Reference Bureau 2008: 2), meaning that out of every 1,000 children born, 16% will die in infancy. Meanwhile, in the world's most developed nations, including Hong Kong, Sweden, and Israel, less than 1% of children die in infancy (ibid). Thus, in its most extreme, an inequality of opportunity can lead to inequalities in the ability to survive.

In 2010, worldwide life expectancy totaled 69 years (Population Reference Bureau 2010: 10), but the statistic masks sharp differences. Developed nations report life expectancy of 77 years while those living in the least developed report a mere 56 years (ibid), which is over 25% less than their rich world counterparts. At 82 years, Japan has the world's highest life expectancy (Population

Reference Bureau 2007: 2). Swaziland, the country with the world's lowest life expectancy, is a mere 33 years (*ibid*).

Income per capita also reflects startling differences in equality of opportunity. As of 2008, worldwide gross national income per capita, measured in U.S. dollars at purchasing power parity, totaled \$10,090 (Population Reference Bureau 2009: 14). Again, this masks sharp differences between people and nations. Developed nations reported a per capita GNI of \$32,320 while less developed and the least developed nations reported \$5,170 and \$1,230, respectively (*ibid*). This means per capita income in the least developed nations is less than 4% of that in developed ones. Again, this likely reflects a system of unfair practices that result in injustices further exacerbated by a lack of equality of opportunity.

A World Bank study focusing on Latin America found inequality of opportunity significantly impacted educational, occupational, and health outcomes in the region (Barros, Ferreira, Vega, & Chanduvi 2009: 15). Approximately 20% – 33% of the difference in outcomes in each of the seven nations studied stemmed from inequality of opportunity (16). Interestingly, inequality of opportunity was responsible for approximately 20% of the differences in educational achievement in the countries studied, although the total range is 14% – 29% (19). The same study showed that inequality of opportunity contributed approximately 20% – 33% of earnings inequality later in life (144). Furthermore, inequality of opportunity contributed between 27% – 50% of the difference in per capita consumption (*ibid*). In this region, a child in a middle income household is significantly more likely to complete six grade than a child in a poor one (24).

Studies focused on South Africa echoed these findings. One study of South African school children found parents' education levels to be strongly correlated to their children's educational achievements (i.e., better educated parents tended to have children who performed much better in school and less educated parents tended to have children who performed more poorly in school) (Louw, van der Berg, & Yu 2006: 21). The authors found that this performance persisted across the years studied (1985, 1991, and 2001), meaning South African society has low social mobility likely resulting from inequality of opportunity (i.e., children were likely to continue in the same cycles as their parents) (*ibid*).

A separate study of South African school children supported this conclusion. It found the country's school system was not strong enough to enable children to overcome disadvantaged

backgrounds, especially in schools with the highest proportions of poor students (van der Berg 2008: 18). Because better education enables people in that country to obtain higher-paying jobs, the school system's inability to overcome these issues translates into a lifetime of lower earnings for students from disadvantaged backgrounds (ibid).

Yet another study provided additional support. It found South African students in poor schools are far more likely to struggle to find employment later in life because the poor quality of those schools did not teach the skills they needed for success in the labor market (Taylor & Yu 2009: 48). As a result, they are highly likely to stay within the low socioeconomic class into which they were born (ibid).

Given that equality of opportunity has such a significant impact on the individual and her life prospects, what is it, and why are individuals obliged to ensure it?

### **III. Justice and equality of opportunity**

Equality of opportunity is part of the concepts of justice and social justice. Thus, we will first review the general concept of justice before examining equality of opportunity in more detail.

Justice entails the concept of desert, meaning people should receive what is entitled to them, whether good or bad. In the case of criminal law, justice entails punishment, meaning there are consequences for one's actions. If person A hurts person B without sufficient cause, person B is entitled to retribution for person A's crimes.<sup>95</sup>

Desert, however, is not solely limited to punishment. It can also mean entitlement to various goods and services. For example, a person who works for an agreed sum deserves to be paid. However, the concept extends beyond such simple examples.

Philosophers tend to divide principles of desert into comparative and non-comparative claims (Arneson 2002). In a comparative claim, one person is more or less deserving only in relation to another person (ibid). For example, in a society with limited educational resources, university scholarships and bursaries based on family income would be an example of a comparative claim, with the reasoning being that a person with fewer resources available for tertiary study is more

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<sup>95</sup> It is important to note that such retribution is to be carried out only by the state because of its (justifiable) monopoly on violence.



deserving of public money than someone who is wealthier. Conversely, a learner with outstanding academic and volunteer credentials may be thought more deserving of a bursary than one who did only modestly well.

Non-comparative principles of desert hold that all persons are entitled to certain social goods regardless of their personal merit or characteristics (ibid). Most rights, including freedom of speech, protection, education, and food, are non-comparative claims of desert, for these rights hold for everyone regardless of their status in life. Often, these types of claims are about social justice, a vague term that is generally used to signify a society that values human rights and equal moral status.

Justice is one of the primary pillars of most ethical and religious philosophies. For example, it is fundamental to the prophetic message in the Jewish philosophical tradition (Bergo 2007). Divine justice is one of the foundations of Christianity, and the concept of karma is of primary importance to both Buddhism and Hinduism.

For many philosophers, including Hume, Plato, and Rawls,<sup>96</sup> justice also holds a central place in moral theory. Richard Norman (1998: 55-56) defines justice as ‘a set of social rules which govern the distribution of the goods which society makes available’. While conceptions of justice may vary considerably (e.g., ‘justice as desert’, ‘justice as equality’), Norman observes all conceptions of justice, no matter their outcome, define a system under which to distribute social goods (56).

Because nationality is morally arbitrary (see Chapter 6), the just distribution of social goods is not only a domestic concern but an international one, too. As a result, Charles Beitz (1999: 516-517) argues there are four crucial elements when considering international distributive justice:

1. Global inequality and poverty, meaning people born in different countries will likely have exceptionally different prospects in life (516);
2. Greater economic interdependence, which is based upon countries’ greater susceptibility to economic occurrences elsewhere (ibid);<sup>97</sup>

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<sup>96</sup> Interestingly, John Rawls considered justice a political value, not a moral one (i.e., it is not derived from a moral theory) (Nagel 1995: 8). However, if this were true, justice, by definition, would require a political system and its accompanying institutions. Yet if we can ground such justice in the common morality, an idea explored later in this chapter, institutions are not necessary.

<sup>97</sup> The 2008 subprime mortgage crisis in the United States is an excellent example. A less obvious example is the global labor market. Many low-skilled economic migrants (e.g., Mexican farm workers in the United States; Bangladeshi construction workers in Dubai) send remittances that become an im-



3. The creation and definition of international institutions and regimes, which oversee increasingly complex political, economic, and environmental agreements (517); and
4. The development and increasing influence of NGOs, which, because of their clout, have the ability to significantly impact world politics (ibid).

### *Justice as equality of opportunity*

Like most concepts in moral philosophy, there are different theories of social and distributive justice. This dissertation will focus on the equality of opportunity. The equality of opportunity is generally viewed as part of a broader moral theory justifying social inequality; thus, it is important to understand this broader theory when discussing its component of equality of opportunity (Arneson 2002). As part of that, it is important to understand that the equality of opportunity is generally part of a theory regarding social hierarchy, although this social hierarchy must be independently justified (ibid). That said, the justification for this hierarchy is outside the scope of this dissertation, which is simply concerned with helping children succeed within the existing hierarchy.

While this dissertation will not examine the justification for the hierarchies themselves, it will describe the role of the concept of the equality of opportunity within them. Theories of justice must focus on specific features of societies in order to determine the level of justice found within them (Sen 2009: 231), and equality of opportunity, although not perfect, is a solid measure of such justice. The concept is a political one that assumes societies contain hierarchies of superior and inferior social positions (Arneson 2002). Equality of opportunity is not staunchly opposed to hierarchy per se, but it is against caste hierarchies in which the more desirable positions are only open to the select few who possess more advantageous initial positions within it (ibid). Under the ideal of the equality of opportunity, these more desirable positions would be obtained through a competitive process that enables all of the society's members to compete for them on equal terms (ibid). The elements necessary to make this process competitive will be explored in Chapter 8.

### *The importance of equality of opportunity*

Modern society places significant value on an individuals' ability to choose courses of action affecting them. In the medical field, for example, ethics have increasingly emphasized patient

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portant source of income in their home countries. Thus, when low-skilled jobs are eliminated in these richer nations, the effects are keenly felt in the poorer ones.

autonomy when deciding treatment. In sharp contrast to monarchies and aristocracies, democracy is founded upon the concept of an individual's right to choose. This right to choose has so thoroughly permeated modern society that it is part of mass marketing campaigns, including Burger King's 'Have it your way', and deeply integrated into certain business models (e.g., 'Build-A-Bear' retail stores).

Yet there is an important difference between a superficial consensus that people have a right to choose courses of action affecting their lives and an individual's actual ability to act upon this principle. Michael Blake (2001: 268-269) argues that being able to truly choose one's own life path means we must be presented with the appropriate options to do so; if we are not, then external factors (e.g., poverty) may choose our path for us, even if we retain nominal autonomy in a life significantly restricted by the lack of choice.

People make decisions based upon what they perceive to be the realistic options available to them (Rostow & Rostow 1992: 365). A child raised in perpetually disadvantaged circumstances is unable to understand all of the options available to him, particularly those beyond what the community considers the norm (e.g., a child raised in a place with a 60% high school drop out rate will likely not consider university an attainable option). The purpose of the equality of opportunity is to ensure these children see beyond options traditionally presented in order to better enable them to choose their own life paths.

Not all people agree with this approach. Amartya Sen (2009: 296-298), for example, disagrees with moral theories' focus on any single aspect of justice (e.g., the distribution of goods, utility, opportunities, or capabilities), arguing the demands of justice stretch beyond any given aspect of it. While there is some merit to this position – justice is indeed multifaceted – some aspects are more foundational than others.<sup>98</sup> If the goal is to enhance justice, or at least reduce injustice, the most pragmatic course of action demands we focus on certain aspects of justice and enhance those before moving elsewhere. In other words, although Sen considers his position on justice quite pragmatic, it is actually very difficult to attempt to incorporate all aspects of justice into a plan to reduce injustice without making the project overly complicated. As a result, focusing on increasing the equality of opportunity is the best course of action. One advantage of focusing on the equality of opportunity is its breadth, meaning we can undertake a more comprehensive re-

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<sup>98</sup> In an extreme example, a proper understanding of justice is more important than having the proper institutions to implement one. While institutions are important, it is far more critical to ensure that they are implementing the correct concepts.

sponse to reducing social injustice and its causes. At the same time, the concept is specific enough that defining an appropriate course of action does not become unwieldy. Furthermore, as stated elsewhere, enhancing justice in this area will enhance justice in other areas. For example, educating children on the importance of non-discrimination should make them less likely to discriminate as adults.

Equality of opportunity as defined in this dissertation focuses on an individual's agency, not just his well-being. Well-being is an individual's happiness and comfort. Agency, on the other hand, not only includes the individual's well-being but also her overall interests, which may involve pursuits other than ensuring one's own well-being (287). It is the ability to understand and conceptualize these interests that makes equality of opportunity so valuable.

### *Defining equality of opportunity*

As with most philosophical concepts, the equality of opportunity has several definitions and conceptions. Still, building upon a World Bank study's simple explanation of the concept, equality of opportunity can be defined as ensuring equal access to the opportunities that are 'essential to ensuring that today's children will have the potential, as adults, to better achieve the outcomes of their choosing' (Barros, Ferreira, Vega, & Chanduvi 2009: 57).

Equality of opportunity can be deemed to be either a deontological requirement or a state of affairs society should promote (Arneson 2002). However, these two ideas are not necessarily mutually exclusive, for an ideal state of affairs could include the deontological requirement to provide others with the same opportunities one desires for oneself.

There are four main conceptions of equality of opportunity, some of which can be combined with each other. Each one will be examined in turn.

**Formal equality of opportunity:** This conception of equality of opportunity is associated with market-based economies and opposes basing economic practices and institutions on 'guild privileges and restrictions' (ibid). The basic idea is that superior positions should be open to all members, with each position filled based on merit (ibid). Alternatively, the positions can be filled based on a fair competition (ibid).

Formal equality of opportunity, however, is limited to public life, and the distinction between public and private morality remains controversial (ibid). Still, supporters of this conception contend equality of opportunity is meant to operate in the political and civil society in which everyone partakes and is thus not applicable to all aspects of individual life (ibid). Furthermore, equality of opportunity is generally conceived to occur within nation-states, although there are no intellectual barriers that hinder expanding the scope globally (ibid). While formal equality of opportunity tends to be associated with political decisions, it also affects markets (e.g., non-discriminatory hiring laws) (ibid).

Substantive equality of opportunity: While desirable social positions can formally be open to all members of a society, if the qualifications necessary to obtain those positions are such that only the wealthy classes have the money or education necessary to obtain them, only a nominal equality of opportunity may exist (ibid). Under substantive equality of opportunity, the opportunities to gain the skills and qualifications necessary to obtain the more desirable positions are made available to all members of the society (e.g., free education for all children as opposed to the imposition of school fees) (ibid). Thus, not only are superior positions open to all members of a society and applications for those positions selected based on merit, the opportunities necessary to develop the qualifications for those positions are also made available to all members of the society (ibid). That said, the level of opportunity to develop these skills must be set since it cannot, on a practical basis, be infinite (ibid). Thus, even what is deemed a sufficient level of opportunity may still see a certain amount of unequal opportunities persist (ibid).

Departing from Rawls, who thought the equality of fair opportunity should mean only that one's socioeconomic status at birth should not impact one's ability to obtain other social positions, Richard Arneson contends true equality of fair opportunity would mean those with the same native talent and ambition will have the same likelihood of success when competing for superior social positions (ibid).<sup>99</sup> Again, while this concept of equality of opportunity is traditionally applied within the political sphere (e.g., who is eligible to vote, hold office, etc.) (ibid), it can easily

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<sup>99</sup> Most conceptions of the equality of fair opportunity (which falls within the realm of substantive equality of opportunity) allow for differences in social position when they arise from differences in ambition since ambition is widely recognized to be an individual, not social, responsibility (Arneson 2002). Some theorists, however, argue that to have true equality of opportunity, we must create a society in which many ambitions are rewarded (Arneson 2002). In this argument, benefits should not only accrue to those with business interests but also to those who choose to be artists, singers, and writers. This issue, however, is outside the scope of this dissertation, which will continue to focus only on preparing children for the society in which we currently live.

be expanded to include all realms of life in which individuals can or should be able to choose their own paths (e.g., any career, not just those in the political realm).

Note that some theorists argue for a position between the purely formal equality of opportunity and the more demanding substantive equality of opportunity (ibid). This conception would allow substantive equality of opportunity for most positions within a society but would retain only formal equality of opportunity for the highest ones (ibid). The difficulty in this position is deciding where to draw the line (ibid).

Level playing field conception: Distributive justice (i.e., the conditions under which goods and opportunities are distributed to members in a society) plays a central role in the level playing field conception of the equality of opportunity (ibid). Under this conception, the distribution of goods and opportunities is just only if unchosen inequalities are eliminated and any inequality present in the society is a result of individual choice (ibid). Thus, unlike the formal and substantive conceptions of equality of opportunity, the level playing field requires the elimination of natural talents and genetic differences when deciding upon the just distribution of goods (ibid). For example, individuals with higher native intellectual capabilities would not accrue additional benefits from them since such qualities are not chosen. As a result, this conception of the equality of opportunity can either be viewed as crucial to all conceptions of distributive justice or as a rival to substantive equality of opportunity (ibid).

Equality of Opportunity and Meritocracy: A meritocracy is based on the concept of just desert. Thus, in a meritocracy, equality of opportunity exists and individuals receive benefits based on genuine individual desert, not just the advantages of favorable characteristics or socialization (ibid). Under this theory, there is likely a set of goods that all persons deserve no matter their status or accomplishments. Like the level playing field conception, equality of opportunity and meritocracy can either be viewed as a standalone conception or held in conjunction with some of the other notions of equality of opportunity (ibid).

### Caveats

Equality of opportunity is not a perfect measure of social or distributive justice, and certain aspects of it can be quite problematic. First and foremost, equality of opportunity should not be confused with equality of outcomes. In the former, all members are given the opportunity to achieve the outcomes they desire. For example, under equality of opportunity, all persons would

have a substantive opportunity to attend the university of their choice and obtain a master's degree. Some, however, may exercise an option not to do so because of a lack of interest or competing interests (e.g., the desire to travel or begin family). Under an equality of outcomes, however, everyone obtains similar outcomes, which are not necessarily dependent upon their desires. In the prior example, everyone would be forced to obtain a master's degree despite what their aspirations are. While society already imposes this to a certain extent (e.g., mandatory schooling until the age of 16), an equality of outcomes is far more demanding and would likely violate certain principles of autonomy society holds dear.

This leads to a second caveat: an equality of opportunity is one of several principles of justice, and although this dissertation argues that it is an extremely important one, it can be overridden by other principles (*ibid*). To be fully implementable, equality of opportunity may require draconian measures (*ibid*). For example, all meal choices may be mandated in order to achieve optimal nutrition, and all children may be forced to take certain subjects or sports regardless of their natural abilities and interests. While equality of opportunity is exceptionally important, it must be balanced with principles of autonomy and the practical constraint of limited resources.

Natural talents, interests, and abilities also complicate the idea of equality of opportunity. Although some theorists argue it is unfair to allow individuals to profit from largely morally arbitrary characteristics (e.g., the supermodel who earns large sums due to genetically derived physical characteristics or the genius mathematician with an IQ of 180), it seems that, at a certain point, we must allow for such things since complete the elimination of such benefits is simply impractical. Thomas Nagel (1991: 119) concludes that effort and talent are so entangled that in order to allow inequalities as a result of effort, one must also allow inequalities as the result of talent given that talent can only be developed through effort and effort is generally expended through talent. John Rawls (1973: 507-511) argued individuals should be able to benefit from their natural abilities if the worst off also benefits from them (e.g., the particularly clever scientist becomes rich from curing cancer, but his inexpensive treatment means even those without health insurance can be cured). However, in the real world, such highly stylized examples are rare, and we must offer other remedies. For example, instead of offering only two paths after secondary school completion (e.g., work or university), society may offer other avenues such as vocational training or less-academically rigorous colleges. This would enable individuals to maximize their native talents and abilities.

Some theorists (see Chauvier 2001) implicitly or explicitly assume equality of opportunity is only viable within shared cultures. Simon Caney (2001: 130-131) disagrees, arguing that equality of opportunity can be assessed across cultures by focusing on individuals' ability to obtain a 'commensurate standard of living'. Caney concedes assessing this equality may be difficult but notes we already have several measures by which to do so (e.g., the Human Development Index) (132). Given the strong argument for the arbitrariness of nationality (see Chapter 6), this is an important point. In an increasingly globalized world (again, see Chapter 6), it is difficult to argue that an equality of opportunity can only exist in a single society.<sup>100</sup>

Although the conceptual foundations will be different (as detailed later in this chapter), on an outcome basis, this dissertation's argument for an equality of opportunity will look quite similar to Rawls' justice-as-fairness focus on the distribution of primary goods. However, Amartya Sen (2009: 231) disagrees with this, instead advocating what he terms a 'capabilities-based approach', meaning evaluating individuals' realistic opportunities to pursue the things each one 'has reason to value'. According to Sen, because the capabilities-based approach does not focus on measures such as income or commodities, it is superior because it allows for different combinations of the pursuits people value (233).

According to Sen, Rawls' focus on primary goods is misguided since these goods are not ends in and of themselves but simply means to achieving ends (234, 253-254). For Sen, the capabilities approach is far more important because it recognizes that people may have similar outcomes for vastly different reasons, such as two people who are under-nourished, although the first is so because he is willfully fasting while the second is so because he cannot afford food (236-237). Sen then argues that capabilities are of primary importance because they are necessary to converting resources into the actual pursuit of an individual's interests (264).

On a practical basis, the differences between the principles involved in an equality of opportunity and those involved in Sen's capabilities-based approach appear, at best, quite minor. In both cases, the ability to access resources (i.e., Rawlsian primary goods) is of the utmost importance, although both approaches recognize that individuals may choose not to do so. Sen appears to delineate distinctions that may not actually exist.

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<sup>100</sup> There are, of course, certain practical exceptions to this point. For example, most states have laws or constitutions that forbid non-citizens from holding high office (e.g., the president of the United States must have been born on U.S. soil). While the philosophical basis behind such laws can be debated, the rarity of such exceptions means they will not be extensively detailed in this dissertation.



Furthermore, an equality of opportunity is far easier to measure than an equality of capabilities (although on a practical basis, it again seems that the distribution of primary goods would be a measurement of capabilities). Chapter 8 explains the goods that should be measured, including education rates, health statistics, and non-discrimination in the workplace.

#### **IV. Philosophical groundings for the equality of opportunity – Reason 1: Equal moral status**

What are the philosophical underpinnings of the equality of opportunity? Why is this our specific moral obligation to children? This dissertation will explore two reasons. First, individuals' equal moral status entitles them to equal opportunities. Secondly, common morality demands it, an idea further explored in the next section.

Almost all of the most influential moral philosophers, including Locke, Rousseau, Kant, and Mill, considered the equal moral status of all persons to be foundational to their theories (Kuper 2000: 652).<sup>101</sup> In fact, modern political and moral culture considers the equal moral status of all persons a fundamental requirement for a theory or idea to be seriously considered (Gosepath 2001: 148-149). That said, the notion that all people possess the same moral status still recognizes justifiable reasons exist for differences in treatment since there may be morally relevant grounds for doing so (Beitz 1979: 417). For example, certain countries such as the United States disenfranchise felons, arguing that felony convictions are a morally relevant characteristic when determining voting rights.

Since moral status is 'a means of specifying those entities towards which we believe ourselves to have moral obligations, as well as something of what we take those obligations to be' (Warren 1997: 9), our equal moral status with the less advantaged means they are entitled to the same civil and political treatment we are, including the ability to access various opportunities. The population of those deserving the equality of opportunity includes children living in other nations since nationality is a morally arbitrary characteristic (see Chapter 6). Even in light of plausible arguments of a difference in moral status between children and adults (see Chapter 3), it would be difficult to maintain that children living in more developed nations have a different moral status than children living in less affluent countries and thus discard the principle of equality of oppor-

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<sup>101</sup> The ancient Greek philosophers, including Socrates and Plato, as well as Friedrich Nietzsche, are obvious exceptions.



tunity. Instead, all children have the same moral status, even if it is conceptualized differently than the moral status of adults.

What is the underpinning of this equality of moral status? While philosophers have largely agreed that all persons retain equal moral status (see Miliband 2005: 42), they have provided significantly different reasons for the conclusion. Immanuel Kant based individuals' equal moral status on rationality, although it seems this would exclude children and the mentally disabled. Richard Rorty disagrees with Kant, arguing human solidarity comes not from seeing certain biological or cultural characteristics (e.g., ethnicity, nationality, traditions) as morally arbitrary but from understanding that certain similarities, specifically pain and humiliation, are more important, common, and binding (Rorty 1989: 192).<sup>102</sup> The latter part of this chapter will ground such equality in the common morality.

What are the practical implications of concluding that all people have the same moral status and are thus entitled to the same political, social, and civil treatment outside of extenuating circumstances? It means we must not tolerate 'social inequalities that convey a sense of inferiority' because they are 'incompatible with an ideal of society as an association of equals' (Beitz 2001: 114-115). A society that tolerates certain social inequalities may lead to relations in which certain individuals exercise an unreasonable amount of control over others (116), which is incompatible with the idea of a just society of moral equals. For example, aristocratic, plutocratic, and dictatorial governments tend to rule unjustly, enriching the elite few at the expense of the impoverished many. Opportunities for education, healthcare, and work are unfairly distributed, routinely marginalizing those who should, under the idea of comparable moral status, be considered equals.

A society that truly understands the equal moral status of all individuals will extend an equality of opportunity to all of them. Because each individual is equally valuable, each is equally deserving of the opportunity to pursue his conception of the good life. In order to pursue those conceptions, each individual must be given the opportunity to form them and the tools to pursue them.

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<sup>102</sup> For most people, someone else's suffering often provokes a deep response within us. If we become accustomed to the suffering, we may grow callous, but watching a suffering with which we are not familiar often elicits a strong desire to alleviate that suffering. Emmanuel Levinas argues nothing is more disruptive to our consciousness than encountering another person (Bergo 2007), and it seems this disruption increases in proportion to the suffering with which we are confronted. According to Levinas, the gaze of another says, 'Do not kill me,' and he contends another person's expression affects us even before we consider it (as cited by Bergo 2007). This may be why a visual confrontation with suffering impacts us more deeply than merely hearing about it, an idea called vividness that is further explored in Chapter 11.

Thus, each individual should be granted a certain amount of healthcare, education, and other basic necessities in order to capitalize on those opportunities (see Chapter 8).

It is important to emphasize that equal moral status translates into the equality of opportunity discussed above, not material equality (Miliband 2005: 42). While it is recognized that a base level of materials are necessary for humans to survive and flourish (again, see Chapter 8), individuals must be allowed to capitalize on these basics through their own work and ambition. To ensure a strict level of material equality would lead to the oppressive, dysfunctional societies of Soviet Russia and Cuba. In order to thrive, individuals must be allowed a large measure of creativity and autonomy in pursuing their conception of the good life, even when that results in relative, not absolute (see Chapter 3), material inequality.

Finally, referencing arguments discussed in detail in the previous chapter, it must again be noted that all individuals worldwide have the same moral status, not just those living in a specific country or society. A person ‘does not suddenly come to be a free and equal person for us when she [he] crosses the border into a liberal society’ (Kuper 2000: 651). As a result, the opportunity to participate in the systems that enable us to pursue the good life (e.g., education, market economies, etc.) should be made available to everyone worldwide and not only those fortunate enough to live in specific societies or countries.

Unfortunately, the idea of completely equal moral status for all persons is ‘more compelling than any argument that might be offered to support it’ (Arneson 2002). Like rights, many people find the underlying substance of moral equality arguments, no matter if based on Kantian claims or any other kind, lacking. Thus, the second reason for arguing that all children deserve equality of opportunity explores a different approach.

## **V. Philosophical groundings for the equality of opportunity – Reason 2: Common morality demands it**

It appears neither terribly controversial nor audaciously bold to assume the vast majority of people would consider it morally good to help children. However, arguments are stronger if they are not only supported by instinct (Singer 2009: 15). Although emotions may have a place in examining and understanding justice, they cannot stand on their own and must be combined with critical reasoning (Sen 2009: xvii). In fact, if a particular sight, such as that of a child suffering, affects us strongly, we must ask why, for ‘reason and emotion play complementary roles in hu-

man reflection' (39). This section will first consider why reasons are important and then argue common morality provides the reasons necessary to implement an equality of opportunity for all children.

Although Kant's theories are among the most well known examples, reason has long played a prominent and dominant role in philosophy. In 1651, Thomas Hobbes published *Leviathan*. In it, he argued reason is necessary to devise a social system in which all men can obtain their desires (Hobbes 1914: 67). He contends we must use reason in order to construct a society in which we can all live well together since living in a cooperative society is a necessary condition for the ability to pursue our own goals (ibid). If we fail to construct such a society, we will be so focused on our own security (e.g., surviving and trying keep the few things we possess) that we will be rendered unable to pursue more (ibid).

The importance of reason remains dominant in constructing philosophical arguments, although its applications vary. It maintains a prominent role in social contract theory (see Rawls' *A Theory of Justice* and Scanlon's *What We Owe Each Other*) and can easily be identified in philosophers as varied as Onora O'Neill, Peter Singer, and Amartya Sen. It will also play an important role here.

Because 'reasons are, by their very nature, reasons for everyone' (Norman 1998: 79), they allow us to justify our arguments or actions to others and thus enable individuals to make the compromises necessary to living in a functional society. Reason also allows us to examine beliefs that we may have unconsciously accepted, not realizing they are detrimental to ourselves and/or society (e.g, slavery in 1700). While it is recognized that bad ideas do not necessarily lack reason, that reason is often in a crude and primitive form. Good ideas – the kind of ideas that tend to enhance the lives of ourselves and others – are often highly reasoned. This section will thus seek to show extending the equality of opportunity to all children is a well-reasoned idea.

### The idea of luck

Luck can be divided into three categories. The first involves the negative effects from events outside of human control. For example, an earthquake may destroy a person's house, or cancer may rob a family of its breadwinner. The second category involves the negative effects from events only indirectly in control of people and is generally conceived of as characteristics we should deem morally arbitrary. This includes an individual's gender, ethnicity, and country of origin. The final type of luck involves agents who perform actions that knowingly or unknow-

ingly result in negative consequences for third, generally unknown parties. Examples in this category include retrenched workers suffering the negative effects of poor economic decisions, victims in drunk driving accidents, and civilians caught in war torn countries. In each case, the individual suffers from events and decisions entirely outside his control.

Martha Nussbaum (2001: xxxv) argues if suffering were truly a necessity, it would be both good and bad news. The news would be unfortunate because it would mean suffering would continue to happen; however, this unpleasant truth would be partially assuaged by the knowledge that nothing in our power could prevent it (ibid). Yet given humanity's ability to continually improve its position (see Chapters 4 and 11), empirical data suggests most suffering is not inevitable. Nussbaum argues such knowledge also brings both good and bad news (ibid). The good news is, of course, our possession of the ability to alleviate this suffering by changing our attitudes, actions, and institutions (ibid). However, such knowledge contains realization that the suffering we see is, at least in part, due to our own 'malice, ignorance, and callousness' (ibid).<sup>103</sup>

Nussbaum proceeds to argue our ability to live a good life 'must to some extent, and in some ways, be self-sufficient, immune to the incursions of luck' (3). In other words, individuals should, to the extent possible, only enjoy or suffer from the decisions they make, not from actions beyond their control. That said, debate continues to surround whether and how much the concept of luck should affect distributive justice (Lippert-Rasmussen 2009). Yet it is important to resolve such things, especially in the context of children.

Luck affects children to a far greater extent than adults because the former generally do not have the choice or lack the appropriate capacity to make the decisions that affect them.<sup>104</sup> As a result, children are forced to live with the outcomes and consequences of others' choices. If these decisions are poor ones, society should try to mitigate them to the extent they will negatively affect the child's ability to pursue the good life as an adult. For example, a child born into a poor society should not have 'radically lower life prospects' than his more fortunate peers born in richer societies (Nagel 2005).

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<sup>103</sup> 'In short, what looks like grim necessity is often just greed, laziness, and lack of imagination' (Nussbaum 2001: xxxi).

<sup>104</sup> This is often because a child's guardians have already determined the course of action or the child lacks the experience necessary to make wise decisions.

Now, upon Martha Nussbaum's (2001: 318-342) reading of Aristotle, the latter argues the ability to lead a good life is inherently subject to risk (or luck) because leading such a life requires the agent to interact with the world (i.e., no man is an island). Because we must interact with others, we incur the risk of working with other agents who may make decisions that, although beyond our personal sphere of influence, significantly affect us (ibid). However, while such a risk can never be fully mitigated, society can implement processes to diminish the size of the risk. For example, instead of permitting all children born within a state to be subjected to the food conditions therein, individuals and institutions can be organized such that children receive proper nutrition no matter where they live. While an unexpected war may temporarily curtail supplies or an obstinate mother may refuse vaccinations for her child and thus greatly increase his risk of contracting measles – both examples of how risks are never fully mitigated – a child's ability to overcome bad luck can be greatly increased through the efforts of others.<sup>105</sup>

#### *A word of caution*

Before we examine the idea of the common morality and its implications for the equality of opportunity for children, it is important to note such arguments are difficult to conclude entirely without reservation. The strongest reasons tend to give us the best answers, but they can still be overridden. Discussing Rawls, Gary Gutting (2009: 188-189) contends we can construct arguments that are entirely plausible even if their premises are not completely irrefutable. Even Rawls recognized arguing for the unequivocal acceptance for his two principles of justice was almost impossible (179).

Recognizing that plausible but not indisputable arguments exist for certain approaches is likely the most pragmatic and realistic manner in which to determine principles regulating global behavior (e.g., helping disadvantaged children). Such arguments, if well reasoned and well supported, may then gain enough supporters to implement the ideas, even over the objections of a minority of people. If an attempt is instead made to construct an entirely unproblematic argument, it may become irretrievably involved in an interminable, generally unhelpful debate. While

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<sup>105</sup> One study conducted in southern Africa found poor people tend to rely on other poor people in order to meet survival needs (Wilkinson-Maposa et al., 2009: xii), possibly because people living in states with either poorly functioning or illegitimate governments must rely on other people, generally within their own community, to meet such needs. This seems to compound the effects of bad luck. The person is first unlucky because they are born in a place that significantly constrains their ability to meet their basic needs. They are then further constrained because they must share the few resources they have. It is unjust that luck should place the heaviest burdens on those least able to bear them.

this may not be devastating to lesser topics, it is significantly problematic when our ability to alleviate human suffering is examined.

#### Major moral theories and the equality of opportunity

This section will briefly examine the four major moral theories (i.e., utilitarianism, deontology, virtue ethics, and social contract theory) and apply their arguments to the equality of opportunity. While some theorists are skeptical of claims to solve problems based on single, overarching theories such as deontology or consequentialism (see van Niekerk 2006: 11), agreement upon a single course of action despite different perspectives and premises would enhance the reasons and supportability for that course. After analyzing this, the next session will examine the conclusions from this analysis in light of the idea of the common morality.

Major moral theories generally contain elements that are fundamentally irreconcilable with one another, and each also tends to argue that something is morally fundamental to human beings (Wolff 2004: 32). For deontologists and, to a certain extent, social contract theorists, reason and will are individuals' most fundamental elements, but for utilitarians, it is pleasure and pain (ibid). Aristotelian virtue ethics, on the other hand, argues that humans have a good, and the ability to wither or flourish in virtue of this good is fundamental to our nature (32-33).

The ideas of good/bad and right/wrong also play different roles in the theories. Teleological theories, including utilitarianism and virtue ethics, consider the concepts of 'good' and 'bad' as foundational to morality and then define 'right' and 'wrong' in terms of them (Norman 1998: 98). Conversely, deontological theories consider the concepts of 'right' and 'wrong' as foundational and then define 'good' and 'bad' in terms of them (ibid). Consequently, it is unsurprising that extensive disagreement exists among the philosophers who use such theories as starting points.

Consequentialism is a moral theory that argues actions are right or wrong based on their consequences. Utilitarianism, the most prominent branch of this theory, contends these consequences should be evaluated based on the utility they produce. In many cases, this utility is defined as happiness, meaning the actions that produce the most happiness are thereby the ones that are morally right. As a result, accounting for others' pleasure and pain is the foundation of utilitarianism (Norman 1998: 92).

Shelly Kagan (1989: 388), a well-known utilitarian, argues if people truly understood the implications of others' sufferings and had views undistorted by self-interest or bias, there is a high probability they would act to promote the most good. She thus maintains that strong *pro tanto* reasoning exists for utilitarianism (*ibid*). Furthermore, John Stuart Mill, one of the founders of utilitarianism, insisted that, if only they would try, the vast majority of people would actually prefer the pursuit of higher pleasures, including the hard work involved in devoting one's time and energy to a good cause, because, although they are more difficult to achieve, they are, over the long-term, more rewarding (Mill 2001: 8-9).

In light of this, utilitarianism appears to support the idea of an equality of opportunity for all children and special assistance for the most disadvantaged among them in order to achieve it. While such assistance may reduce the material and time resources, and thus the happiness, of the benefactors, this reduction would pale in comparison to the happiness the disadvantaged would gain due to the new opportunities available to them (see Chapter 11).

Furthermore, as Mill contends, the benefactors may also gain in happiness even as they experience resource losses. As data in Chapter 11 shows, there is evidence of a causal relation between an individual's volunteer activities and his happiness. Thus, all parties may benefit from such interactions.

The implementation of equality of opportunity would also increase happiness over the longer term. Better healthcare, improved economic conditions, and more positive social interactions will most likely result from such an implementation (see Chapter 5), which would increase the happiness not only of those living now but also those yet to be born. Thus, a longer-term view of the consequences of such an implementation appear to further support an equality of opportunity.

Deontology is a moral theory that examines the rightness or wrongness of actions in light of certain duties and obligations. Immanuel Kant is the philosopher most closely associated with this theory, and his version of deontology is often termed Kantianism. Kant (1998: 4:421) is known for the Categorical Imperative, and although he describes a few versions of this imperative, the one most relevant to the arguments cited here is to act according to principles one can will to be universal law.



Kant grounded this imperative and, indeed, all of his philosophy in the idea of reason. As a result, he thought charity should be based on reason, not compassion (Obler 1986: 423), using this version of the Categorical Imperative to ground such claims. According to Kant, emotions such as compassion and sympathy are too partial, personal, and transient to justify morality (ibid). Only reason would suffice.

An equality of opportunity is in accordance with such a principle. If children are suffering due to a lack of opportunities, providing assistance to them could easily be willed to become universal law. As Chapter 11 details, such efforts have a relatively negligible effect on the benefactors, and when suffering can be alleviated at a relatively small cost, it can easily be made into a universal law. In fact, it would be difficult to support the opposing imperative (i.e., ‘One is never under obligation to provide an equality of opportunity to children even when the cost is relatively small’).

Another version of the Categorical Imperative holds that people must be treated as ends and not only as means (Kant 1998: 4:429). If a lack of opportunity is supported by a structure in which the more advantaged participants are enriched at the expense of the less advantaged ones, an idea detailed earlier in this chapter, then participation in such a system is a clear violation of this version of the imperative since the disadvantaged participants would be used only as a means of providing benefits to the advantaged ones. Thus, both of these versions of the Categorical Imperative clearly support a principle of equality of opportunity for disadvantaged children.

Elizabeth Anscombe’s publication of ‘Modern Moral Philosophy’ in 1958 revived an interest in virtue ethics, a moral theory first advanced by Aristotle. This teleological account of morality argues that individuals must work to bring about the human good, which is generally defined as human excellence. MacIntyre’s account of this morality contends that individuals thus must act within the context of the social roles in which they are placed (e.g., wife, doctor, community leader). Right actions are those actions which exhibit the virtuous character necessary to fulfilling those roles and striving towards the human good.

Unlike deontology and utilitarianism, community and society are essential to conception of the individual in virtue ethics. They determine individuals’ roles and thus their consequent actions. In examining the teleological conception of the human good, it is highly likely that a lack of suffering is part of the ideal conception of human excellence. Thus of the social nature of human



interaction and the roles in which we need to exhibit the virtues, it is highly likely that creating an equality of opportunity would not only reduce suffering but also create a society more likely to reach the good since more members could actively participate in doing so. Thus, like utilitarianism and deontology, virtue ethics appears to support a principle of equality of opportunity for disadvantaged children.

Writing in 1965, Lewis Coser (as cited in Beck 1967: 261) asserted society had no requirement to help its least well-off members. Six years later, however, John Rawls published *A Theory of Justice*, and it significantly changed moral thinking.

Rawls' conception of political morality as justice-as-fairness is the most popular branch of social contract theory. Like Kant's version of deontology, Rawls' justice-as-fairness seeks to understand the content of morality by hypothesizing the principles on which reasonable people or representatives of people would agree (Scanlon 1998: 189).

Some theorists justify welfare rights based on Rawls' justice-as-fairness version of social contract theory. Wringer (1992: 195) contends representatives behind the veil of ignorance are significantly unlikely to choose the creation of a society in which they have a statistically high likelihood of experiencing hunger despite abundant resources. Similarly, it also seems highly unlikely that individuals would choose the creation of a society in which, as children, they are not given access to the same opportunities as their more fortunate peers, especially if such opportunities substantially impacted their ability to lead a life of their choosing.<sup>106</sup>

Before concluding this section and examining the idea of the common morality, a few of the more popular views on morality, while not major moral theories, will be addressed briefly.

The concept of reciprocity runs strongly throughout moral theory. In *Leviathan*, Thomas Hobbes (1914: 74-76, 81) appears to argue we need to help others because we may need their help one day, especially since it will be valuable in preventing a return to a state of nature in which every person is so focused on their own security and survival that they cannot pursue their life projects. Thus, no one should seek to obtain more than she needs when it is to the detriment of others' ability to meet their own needs since such actions are not conducive to living in a peace-

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<sup>106</sup> In *The Law of Peoples*, Rawls stridently disagreed with the extension of the original position to include a global society. This is one of the most criticized aspects of his work, and arguments for the movement it sparked, cosmopolitanism, are detailed in Chapter 6.

ful, cooperative society (78-79). Unfortunately, this idea of cooperating with others only because it better enables the conditions necessary to pursue one's own self-interests appears to be the only reason – or the only explicit reason – Hobbes offers for creating a charitable society.

David Hume advocated morality based on sentiments, and should this be true, extending equality of opportunity likely meets the requirements. Many philosophers, however, strongly disagree with this argument, including Richard Rorty (1989: 148), who is very skeptical of grounding morality in sentiment (or anything else, for that matter). Nietzsche, of course, held the antithetical view. His idea that Zarathustra's final sin was pity for man (as cited by Tanner 1994: 56) left no place for charity, and he would adamantly disagree with any efforts to create an equality of opportunity.

As demonstrated in this section, ethical theories largely agree upon our moral obligations to children.<sup>107</sup> In this case, the major moral theories support a principle of extending an equality of opportunity to children, especially to those that are disadvantaged. In an effort to find agreement among the moral theories, some arguments water down each, and it is only by resorting to this weaker theory they can find consensus. This dissertation, however, argues that strong versions of each theory support claims for an equality of opportunity. How can this be? The reason can be found in the common morality.

### *The common morality*

Amartya Sen (2009: 2-3) acknowledges 'a number of distinct and divergent arguments can still lead to the same conclusion'. In this case, the convergence of each of the major moral theories upon the principle of an equality of opportunity for children supports the idea of such a principle in the common morality. This strengthens the argument by not allowing it to be bogged down in the premise of each theory – premises over which people stridently disagree – but instead based in the principles all of the theories hold in common. In this case, principles of moral equality and our obligations to children support the idea of creating equality of opportunity for them.

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<sup>107</sup> The theories do not, however, agree how far those obligations should extend, an idea further explored in Chapter 9.

### Defining the common morality

A discussion of the common morality must first distinguish between the *popular* conception of morality and the *common* morality. The popular conception of morality is simply what most people hold to be true of morality. Because these people tend to be philosophically untrained, popular morality, especially as conveyed by the mass media, tends to be a wholly inconsistent, mutually exclusive mix of obligations to others with strong self-interests and claims of autonomy. The popular morality allows for acts such as buying water bottled in a different hemisphere while advocating the importance of being environmentally conscious. Popular morality is outside the scope of this dissertation, although Chapter 11 provides a detailed plan of how to explain the importance of the principle of an equality of opportunity to people who hold such views.

The common morality, on the other hand, is a moral theory most often identified with Tom Beauchamp and James Childress. The common morality is a fairly recent moral theory and began with the 1970 publication of *The Moral Rules: A New Rational Foundation for Morality* by Bernard Gert (Beauchamp 2010: 190). Since the mid-1990s, the theory has become increasingly well known in biomedical ethics as a result of Beauchamp and Childress' influential work *The Principles of Biomedical Ethics*. The theory of the common morality is not, to put it tactfully, the most popular of moral theories, and it may only have two defenders in contemporary philosophy (189). However, it is still worth examining. The common morality, which is outlined below, is the least contentious way to ground the arguments contained in this dissertation since it will prevent interminable arguments about the underlying normative judgments found in other moral theories. The idea is that most people will agree that we should help children, and we should use this agreement as the starting point instead of attempting to find undisputable premises on which to base the argument. Like the trend in ethical dilemmas in the medical field, it may be possible to understand what to do in specific circumstances even if the decision makers disagree on the principles that support the course of action.

The common morality contains both descriptive and prescriptive elements. It is descriptive in the sense that it may be used to describe most people's basic moral values, but such a description does not justify their behavior. However, another version of the common morality is prescriptive and specifies how people are expected to behave. This dissertation will concentrate on the prescriptive version.

In *The Principles of Biomedical Ethics*, Tom Beauchamp and James Childress (2001: 3) define common morality as ‘the set of norms that all morally serious persons share’, although they acknowledge morality consists of more than just these shared norms and may include extraordinary virtues and norms held only in specific communities.<sup>108</sup> After reviewing the comments and criticisms made about this definition in the subsequent years, Beauchamp (2010: 176) later revised the definition to be ‘the set of norms shared by all persons committed to the objectives of morality’, with the primary objective being the prevention or constraint of ‘problems of indifference, conflict, hostility, scarce resources, limited information, and the like’.

Thus, the common morality consists of the basic demands that morality makes upon everyone, including the recognition to not kill the innocent, keep promises, and tell the truth (ibid). It argues that a common morality can be derived from an examination of the areas upon which the major moral theories agree. Such an examination would conclude that all of the theories agree upon certain principles, and these principles are thus likely to be universal. These principles are thus considered part of the common morality.

The values and norms contained within the universal morality tend to be ‘abstract, universal, and content-thin’, and often exist alongside many culture-specific moral norms (e.g., dress codes, cleansing rituals) (177). Unfortunately, most people tend to view their culture-specific norms as being equally as important as those found in the common morality and thus often fail to see any distinction between the two categories. Yet it is important to maintain the distinction, remembering the common morality includes those values and actions found in almost all serious conceptions of all morality while culture-specific norms are, as the term implies, only found in certain cultures. For example, almost all morally serious people tend to agree we should not harm innocent people; however, the definition of innocent may vary significantly between cultures. These differences arise because, as Beauchamp (2010: 183) notes, various universal norms can be logically specified and adapted to different circumstances in a variety of ways.<sup>109</sup>

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<sup>108</sup> That said, the authors caution that some people expressing moral norms held only in a particular community may mistakenly believe that they have the force of universal values behind them (Beauchamp & Childress 2001: 4). Yet a person or group’s mistaken belief that they adhere to universal norms that are not, in fact universal, should not deter us from the argument for the existence of a common morality. As an analogy, a person may sincerely believe that the sky is lime green, yet this unsupported position should not seriously detract from the well-supported arguments that the sky is, in fact, blue.

<sup>109</sup> To illustrate this point, one culture may find no harm in a person walking across someone’s property, while in another culture, it may result in trespassing charges and, if convicted, punishment. By the first culture’s standard, the second culture’s actions would be harming an innocent person. The second culture would clearly not agree, citing the person’s guilt as reason to punish him. In this case,

That said, the common morality is a universal morality and is not specific to certain cultures or ages (understood as historical periods of time) (190). In line with the previous paragraph's footnote example, harming innocent people is universally wrong, even though the definition of 'innocent' has varied over time and across cultures. Because these universal values are content thin, they can be adapted and specified within each culture and age. Thus, while the values contained in the common morality have not changed over time, their content and specification has (199). Still, it is theoretically possible for the values contained in the common morality to change (ibid). Although it is difficult to think of practical circumstances in which we would abandon certain values found in the common morality (e.g., promise keeping), it is far easier to imagine that other values being added (ibid).

Interestingly, Beauchamp argues equal moral consideration is a value not yet part of the common morality. This is contentious. Given the world's history of slavery, colonialism, misogyny, and other forms of oppression, it is clear that a principle of equal moral consideration has not traditionally formed part of the common morality. However, that appears to be changing rapidly. As noted earlier in this chapter, moral and political theories are now implicitly required to be based upon a principle of equal moral consideration. On a practical level, trends found in globalization, including intertwined politics, political, civil, and economic activism, and the long reach of international NGOs are rapidly building support for a principle of equal moral consideration. Evidence suggests the idea of equal moral consideration has already entered the common morality, although it still needs time to permeate the popular morality. While equal moral consideration is already considered a mainstream principle in the popular morality of democratic nations, it is still implicitly or explicitly opposed in nations governed by more oppressive regimes.

#### Advantages of grounding the arguments in the common morality

There are several advantages to grounding arguments for the equality of opportunity for children within the common morality. First, to return to the comment made when the common morality was introduced, this theory will prevent the seemingly endless debate that often embroils arguments grounded in other theories. Again, most arguments attempt to start on indubitable premises and then build the conclusions. Unfortunately, these premises are then almost always

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both cultures can agree that innocent people should not be punished, but the way each culture defines innocent may lead to substantially different outcomes.

attacked. Although it would be ideal to begin from an irrefutable metaphysical claim and then logically progress to a full theory on our moral obligations to children, it will likely create a far weaker argument than starting from the common morality and examining the principles upon which most people already agree.

Furthermore, grounding the argument in the common morality will allow us to build upon existing social norms. Tom Beauchamp (2010: 176) asserts the human condition quickly degenerates into a Hobbesian state of nature when the norms of the common morality are not observed. Thus, abiding by the common morality creates an environment in which individuals can flourish (167-177). Beauchamp contends all well-functioning societies have social norms that punish lying, harming of the innocent, child neglect, and promise breaking (177). This dissertation will then add the best functioning societies also extend an equality of opportunity to all children.

Grounding these moral claims in the common morality skirts issues of perfect compliance. The idea of perfect compliance will, in all likelihood, only ever be theoretical because it would involve all people perfectly complying with the same moral theory (Murphy 2000: 57). However, we live in a world in which pluralism flourishes and are thus more likely to gain compliance in a theory that recognizes agents may have perfectly reasonable yet different arguments for performing the same action.

In accordance with that, the common morality also recognizes the world tends to only rarely contain the highly stylized examples are often used to refute arguments. Even the most solid, reasonable arguments tend to crumble when applied to extreme, highly stylized cases, and this is often where major disagreements between theories begin. However, as stated previously, people who disagree on extreme examples still tend to agree on those that are more common and conventional. Because providing assistance to children tends to be a fairly mainstream idea with very few extreme cases, the common morality is the most appropriate theory since it tends to best address situations found most commonly in everyday life.

### Caveats

There are caveats when discussing the use of the common morality, and these can be segmented into weaker and stronger ones. First, not everyone adheres to the common morality; some are morally weak, others are morally depraved (Beauchamp 2010: 181). At the extreme, Nietzsche

(2009) argued moral judgments come from nothing other than the self. Yet this observation can be easily overcome.

Tom Beauchamp (2010: 176) argues all persons ‘committed to the objectives of morality’ adhere to the common morality. This argument, however, may be circular in that the people who are committed to the principles Beauchamp has identified as part of the common morality are the only persons he would deem committed to the objectives of morality.

Reality appears slightly differently. The vast majority of people are committed to the common morality, likely without conceiving of themselves as ‘committed to the objectives of morality’ or, really, consciously committed to anything at all. Yet the reality that moral pluralism exists and yet still allows vastly different people to agree upon and act under similar principles provides evidence for the common morality. That said, this evidence explains why people are committed to the common morality but does not justify the principles found within it (181). Instead, Beauchamp argues the norms are justified based on their ability to enable people in society to flourish (*ibid*). Intuitively, this makes sense, for it is difficult to think of a plausible moral theory that would cause society to wither.

There are also more serious qualifications when grounding an idea in the common morality. First, it is entirely possible that basing this dissertation’s argument in the common morality will mean that it is not as well-grounded as it could otherwise be and that it may be subjected to significant revision should morality significantly change. Yet it is unlikely this will occur. As Beauchamp (see Chapter 7) notes, the principles contained in the common morality have changed little throughout the ages, and it is doubtful significant revision will occur in our lifetime.

Furthermore, grounding an argument for the equality of opportunity for children in the common morality will not necessarily ensure complete agreement. Most philosophers recognize people can reasonably disagree upon various courses of action (see Beauchamp 2010: 183), and the common morality is not immune to such disagreements. Yet these disagreements surround all moral theories and should thus not alone deter us from using the common morality as a basis for our ideas.

### Principles in the Common Morality Relevant to an Equality of Opportunity for All Children

Again, the common morality is a distillation of the principles common to most of the ways people think morally. The most often-cited example is the principle to not harm innocent people. However, caring for the young, equal moral status, and the importance of reason are also principles found in the common morality, and these principles, when combined, clearly support an obligation to create an equality of opportunity for all children, particularly those from disadvantaged circumstances.

The importance of caring for children is seen across all cultures (Beauchamp 2010: 176), although its specification may somewhat vary between them. Part of this behavior stems from simple biology: our species would not survive if it did not care for its young. Thus, we have evolved in such a way that protecting children is part of our genetic composition.

Yet evolution does not justify morality, and we thus must examine the moral components of this principle. Protecting the young is similar to the principle of not harming the innocent. In both cases, it would be unjust to see individuals who have performed no wrongdoing incur unnecessary suffering. Children are generally upheld to be the ultimate embodiment of innocence, for their lack of decision-making power and minimal knowledge of social norms means it is difficult for them to knowingly do serious harm. A suffering child is thus considered doubly tragic.

Protecting and raising young children also recognizes that a certain amount of fairness is necessary in creating access to social systems. With the exception of extremely menial labor, almost all jobs now require a basic level of competency in reading, writing, and arithmetic, especially in the developed world. It would be unfair to expect someone to succeed in this system if they were given no training, and even more unfair to punish them for their lack of access to such instruction. Thus, protecting and educating children is an important principle across moral theories because it recognizes the importance of doing so for the creation of stable social systems.

Furthermore, in cultures dominated by Western morality and its strong emphasis on autonomy, protecting and raising the young is in line with the ideal of the free individual. An individual is more likely to approach the ideal of autonomy if they were protected and educated as children. Such autonomous individuals are essential for the civil and political society necessary to reach the democratic ideal these nations hold so dear.



In contrast to Western culture's ideal of the free individual, however, many African and Asian cultures focus on the importance of community. Here, too, a principle of protecting children prevails, for such children are part of society; thus, their well-being is essential for the over all society's well-being.

Beauchamp (2010: 176) argues moral principles must promote human flourishing, and protecting the young clearly meets this requirement. It does so on the individual level by providing the young with the skills necessary to take advantage of the opportunities with which they are presented. On a social level, it assists in creating a harmonious, community-focused society. Finally, on the political level, it helps perpetuate the civil and political institutions necessary for a stable environment in which people can pursue their conceptions of the good.

Interestingly, the principle of protecting children is one of the few areas in which strong obligations of beneficence arise. This may arise in part because of basic biology; children, especially very young ones, are incapable of even feeding themselves, much less gathering the clothing and shelter necessary for daily survival. As a result, other agents must do such things for them, and a reluctance or refusal to do so is often morally condemned. Thus, when it comes to children, simple non-maleficence is insufficient.

While the exact specification of the principle of caring for children may seem different under different moral theories and across different cultures, many of its components are the same. For example, healthcare, nutrition, guidance, and education are found across almost all cultural practices surrounding child rearing.<sup>110</sup> Given these widespread practices, the exact obligations to children proposed in Chapter 8 should be relatively uncontroversial and will be further explored in that chapter.

The second principle found in the common morality and applicable to the arguments contained in this dissertation is the extension of equal moral status to all individuals. This principle has already been extensively discussed in this chapter, with Beauchamp arguing that it has not yet entered into the common morality. Again, as a descriptive claim, this is true. Although most Westernized nations specifically legislate equal moral status among all individuals, there are still

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<sup>110</sup> Further specification of each of these practices varies greatly. For example, what is deemed to be necessary to education in Sweden may far exceed the resources of an agricultural community in Malawi. Still, it is important to remember that each culture recognizes the value of the principles of each practice, and the practical implications of this will be explored in Chapter 8.

an alarming number of nations that do not recognize this principle. The way in which the governments of Sudan, the Democratic Republic of Congo, Burma, and China, among others, treat their minorities provides ample evidence of such a claim. Thus, descriptively speaking, equal moral status has not yet entered the observed common morality.

However, and again, there is a difference between the observed common morality (which often overlaps with the popular morality described earlier in this chapter) and the prescriptive common morality. The extension of equal moral status to all individuals is clearly part of the latter. As detailed in the section headlined ‘Reason 1: Equal Moral Status’, all major moral theories consider equal moral status – often termed impartiality (see Chapter 6) – as foundational to their claims. This is an important criterion for determining if a principle is part of the common morality, and equal moral status undoubtedly satisfies this standard.

Beauchamp (2010: 176) argues a principle must also promote human flourishing in order to be a justifiable part of the common morality. The principle of equal moral status, or impartiality, also passes this test. The ability to be considered a person among equals is an important part of human happiness, which is a component of human flourishing. Furthermore, such equality allows access to the civil and political systems (e.g., private property and security, among others) necessary to pursue one’s own conception of the good. It is likely that a society in which the maximum number of people can pursue their own conceptions of the good is also one that is most conducive to human flourishing.

It is important to note that although equal moral status is part of the common morality, its specification of who is included in that equality still varies greatly, even among moral theorists. Specifically, it remains controversial whether that status is contained only within a community or transcends state borders. As Chapter 6 argued, such a status must cross boundaries, for it would lead to peculiar conclusions if it did not. For example, ‘a woman born into a nonliberal Islamic society...does not suddenly come to be a free and equal person for us when she crosses the border into a liberal society’ (Kuper 2000: 651). It is thus necessary that the principle of equal moral status be extended to all individuals globally, and not only those fortunate enough to live in societies that recognize such things.<sup>111</sup>

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<sup>111</sup> Interestingly, the attention given to global justice is not new. David Hume, Adam Smith, and John Stuart Mill were all philosophers concerned with global justice. Thus, although the inclusion of equal moral status in the common morality is relatively recent, its philosophical roots are quite deep.

Finally, the common morality supports a principle of reason.<sup>112</sup> As detailed at the beginning of this chapter, reason is a critical part of all moral theories and can thus easily be found to play a role in common morality. It also provides the justification to others that is necessary to promoting the cooperative society so essential to human flourishing. The idea of reason will be further explored later in this chapter.

The principles of protection for children, equal moral status, and reason all support an implementation of equality of opportunity to all children. First, such an implementation would meet the principle of protecting children. Because children are considered innocent, they should be raised in such a way as to have the ability to pursue their own conception of the good. Doing so will protect them from less savory characters who may take advantage of their vulnerability and inexperience. It will also allow them to make the good decisions necessary to flourish later in life.

Secondly, extending an equality of opportunity to all children respects their equal moral status. If all people are equally important, they should have the same opportunities to pursue their interests. Their background, especially if it is an impoverished one, should not be the primary determiner of their life path since they had no decision making power in creating it. Equal moral status means all people are equally valuable; thus, differences in life outcomes should be determined by individual choice, not pre-existing factors such as family background.

Finally extending an equality of opportunity to all children meets the criteria of reason. As the next section will explore, it would be unreasonable to force a person to endure a worse life outcome through no fault of his own. Conversely, it is unreasonable to allow people to benefit from being born into an unjust system in which they are the unfairly advantaged participants. Trying to justify either case would likely not meet Thomas Scanlon's (1998: 202) standard of offering justification that no one could reasonably reject.

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<sup>112</sup> For Thomas Scanlon (1998: 191-192), whose arguments are explored later in this chapter, the difference between 'reasonable' and 'rational' (i.e., the difference between reasonably rejecting a principle versus rationally rejecting it) is crucial. In Scanlon's view, 'rational' emphasizes self-interest whereas the connotations contained in 'reasonable' better account for the need to consider all of the parties involved (ibid). Citing W. M. Sibley, Scanlon asserts this distinction between 'reasonable' and 'rational' is not technical but instead something already understood within our everyday usage of the terms (192). In this dissertation, 'reason' will be used in line with Scanlon's definition.

## VI. Scanlon, the principle of reason, and an equality of opportunity

There is a myth in society, particularly in Western societies, that most successful people are self-made. While the majority of people understand this is not always the case – Paris Hilton and Nicole Ritchie are two of the most glaring examples – there is a *prima facie* tendency to attribute most individuals' success or failure to their own doing. Thomas Nagel (1991: 97) observes we view the 'winners' in our competitive economies differently from the 'losers'. As long as no overt racial or sexual discrimination exists, most people who do well tend to attribute it to themselves or the result of a fortunate inheritance (*ibid*).

Yet this view highlights an ignorance of the systems and institutions undergirding modern society. As detailed in the previous chapter, globalization and its accompanying entwinement of civil, political, and economic systems have created an arrangement in which almost all people either directly or indirectly, knowingly or unknowingly, participate but where the benefits are not distributed according to the level of participation.

These political and economic systems are not just (Goodin 1988: 677-678). The more advantaged members benefit from others participating in the system (e.g., migrant laborers in the form of inexpensive labor) without allowing them to enjoy a political voice in it. In other words, the more advantaged members are enriched by the less advantaged ones (e.g., the former pays lower prices for products and thus has more income to spend elsewhere) in large part because the more advantaged participants are able to construct and run the system (e.g., political votes, economic power) in which the less advantage participants operate and have no voice. Thus, by simply being placed as one of the more advantaged participants in the system – a placement that can largely be determined by family background and place of birth (see Chapters 3 and 6) – an individual can accrue more benefits than should have been reasonable in a more just system.

Constructing an argument to revise this system can be challenging. Anglo-American legal and moral tradition generally focuses on negative claims (e.g., the right not to be assaulted or the right not to have the government inhibit free speech), which makes positive claims (e.g., the right to food) more difficult to justify (Pogge 1988: 231). Still, an individual could easily make a negative claim that they have the right to not be unfairly disadvantaged by an unjust system (Pogge 1988: 231). In this sense, then, those who are unfairly advantaged in the system assist in a collective perpetration of the wrongdoing (*ibid*). The damage is exacerbated when these advantaged participants believe they have done no wrong. It is thus important to, through a combination of

moral arguments and empirical data, educate these participants on this wrong in order to distribute the benefits in a more reasonable manner (see Chapter 11).

That said, a society that participates in a system which strictly distributes benefits according to each individual's participation could also be considered unjust. In that society, members who are unable to contribute to the system, including the elderly, disabled, and children, would be strictly excluded from its benefits (Goodin 1988: 683). However, most functional societies would consider such a system unjustly harsh, arguing that if an individual cannot participate in the system through no fault of his own, he should not be left to suffer. Instead, simply being a person entitles one to a certain level of basic benefits from society, although those benefits vary widely.

This is especially true for children. Children do not yet positively contribute to economic, civil, and political systems, yet society deems it extremely important that they be prepared to do so. As a result, most societies have created educational institutions and other structures to assist with this. This means individuals (i.e., children) who are not yet contributing to a system are already receiving its benefits (e.g., education through state-funded institutions). Thus, as with the disabled, benefits from the system are not strictly received by those contributing to it.

Extending an equality of opportunity to all children would thus build upon a pre-existing framework of ideas. Disadvantaged children living in either the poorer parts of a society or in other, more disadvantaged ones, should be given the opportunity to positively benefit from the civil, political, and economic institutions increasingly playing a larger role in modern society. Because it is likely they will eventually participate in these institutions as the more disadvantaged members, it is only reasonable they be provided with the opportunity to more justly participate in the system, gaining a stronger voice over their own affairs.

In his discussion of the Difference Principle in John Rawls' *A Theory of Justice*, Thomas Scanlon (1998: 228) highlights Rawls' argument for the importance of justification for the unequal distribution of benefits for members in a society. Scanlon (1998) examines Rawls' claims in order to build an argument for the importance of constructing a framework for distributing benefits that no one can reasonably reject. This is important since arguing for principles that no one can reasonably reject forces us to account for others' interests in our arguments (Scanlon 1998: 202). This argument is not contractualist in the traditional sense of actual or hypothetical agreement,

yet Scanlon terms it such because it is based on providing justifications others have reasons to accept (Stratton Lake 2004: 7).

Scanlon's (1998: 197) overarching point is to decide on courses of action based on principles other agents cannot reasonably reject. By grounding arguments for equality of opportunity for all children within the common morality, it appears other agents cannot reasonably reject the argument, for it is based on principles already found in all serious conceptions of morality.

Yet extending an equality of opportunity to all children does not necessarily take precedence over all other principles and claims. Scanlon notes we must often decide between principles that may enrich some people to the detriment of others (ibid). Furthermore, agents have reasonable grounds for rejecting principles that would exclude them from acting upon other principles they have justification to value (218-219). For example, a parent may decide to pay for an expensive medical treatment for his child that will produce only marginal gains at the expense of donating the money for medical treatment that will significantly benefit several children. In this case, the parent rejects a principle for equality of opportunity in favor of a principle of protecting one's own children. This can be considered a reasonable rejection.

Yet this example is rather extreme. Extending an equality of opportunity to all children is generally not mutually exclusive with other principles agents have good reason to value. Generally speaking, most people can reasonably care for their own children while ensuring the extension of equal opportunities to other children. As Chapter 11 will explain, so much extra income exists in the United States alone that all children can enjoy an equality of opportunity while those ensuring such benefits experience an almost imperceptible change in lifestyle.

It is these empirical facts that would make a principle of ensuring an equality of opportunity difficult to reasonably reject. As discussed in Chapter 6, it cannot be rejected on grounds of nationality, which is a vague term. It can also not be reasonably rejected on the grounds of benefactor sacrifice for again, as Chapter 11 will show, the sacrifices are relatively small. Finally, it cannot be rejected based on disputes over its underlying principles (i.e., protection of children, equal moral status, and reason), for these are principles found in almost all serious conceptions of morality.

A final note addresses the allegations of circular reasoning critics often use to counter arguments about morality. For example, arguing for morality would be non-circular only if the argument was able to link morality to a morally-neutral thought or idea an agent already values (137-138). Yet concerns about well-being are ‘particularly immune’ to objections involving circularity because people generally want to achieve their conceptions of a good life, and that involves avoiding certain pain and receiving certain benefits.

Equality of opportunity is based on this concept of well-being. Equality of opportunity fundamentally addresses the ability of agents to pursue their conceptions of the good life, an idea deeply intertwined with the concept of well-being. For a critic to charge that it is circular because an argument for pursuing conceptions of the good life begs the question that agents want to pursue their conception of the good life seems rather unreasonable because such a charge would presuppose that agents would want to do something other than pursue their conception of the good life (e.g., create as much pain for themselves as possible). This seems to be such a fantastical claim that it will not be further addressed here.

## **VII. Incompletely theorized groundings**

Grounding an argument for equality of opportunity for all children in the common morality means it is incompletely theorized (i.e., it does not begin with indisputable premises and then construct arguments and conclusions based on these foundations). However, this should not detract from the arguments, for incompletely theorized arguments can still provide a solid basis from which to justify actions.

Amartya Sen (2009: 100) does not find many philosophers’ preoccupation with transcendental justice helpful. He argues widespread agreement on how a perfect society should function does little to help agents decide upon the pragmatic solutions necessary to solve the numerous issues currently facing society (ibid). Yet such sentiments appear to be based on what Sen deems a rather strict bifurcation between the theoretical and the practical (106). He argues theories tend to arise from principles derived from a relatively limited number of cases and examples since a single human mind could not anticipate all of the applications that may arise (107). He contends the ‘inflexible insistence on exacting and highly demanding rules’ found in these theories results in prioritizing the rules over the larger idea of justice and thus are often unhelpful in practical decision making (ibid). Furthermore, Sen maintains one of the disadvantages of transcendental theories is their inability to compare alternatives, offering one example of how the Mona Lisa is



an unhelpful standard by which to compare paintings by Picasso and Van Gogh and another example in which Mt. Everest fails to provide a measure by which to compare Mt. Kilimanjaro and Mt. McKinley (101-102).

While Sen raises valid points that will be addressed later in this section, many of his comments appear misguided. First, his dismissal of overarching theories and frameworks appears to be a bit hasty. Instead of trying to create standards by which to make decisions as each choice appears, it is far better to first have the standards in place since the upcoming decisions will then be easier. After all, it is better to know one's destination and have already considered it the best place to arrive than to hope for the best by making decisions as each fork in the road emerges from the distance. While it remains true that too many political and moral philosophers engage in endless theoretical debates even as urgent issues need to be resolved immediately, it is also important that we have solid theories and principles from which to reason.<sup>113</sup>

Sen's dismissal of the idea that conceptions of the ideal are not useful in deciding between non-ideal alternatives is also dubious. Both examples (i.e., paintings and mountains) Sen provides to support his claim are based purely upon aesthetics. Deeming the Mona Lisa and Mt. Everest as the best in their respective classes does not help us distinguish among alternatives because in both examples, the decisions are a matter of preference. Society does not regard individuals as morally defective for preferring Pollock's massive abstracts over the subdued realism found in da Vinci's works. It is of no interesting matter if an agent prefers Mt. Kilimanjaro's beauty to the wonders of Mt. McKinley.

Society does, however, engage, debate, and make judgments based upon people's views of how societies should function. Even allowing for Sen's insistence on value plurality, we still acknowledge absolute rights and wrongs in societies' structures exist (201). For example, no serious theorist would accept that the random killing of innocents or an economic system founded upon slavery should be part of a society's structure. Moving away from less extreme and obvious examples, most serious philosophers still deplore practices such as imprisoning political dissidents and stifling the media. Such judgments, however, are based on conceptions of the ideal society in which individuals are free to pursue their conceptions of the good life.

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<sup>113</sup> Interestingly, even the use of reason to make decisions, while widely accepted in modern society and clearly a principle Sen (2009: 39) favors, is still a theory. For example, many ancient cultures relied upon 'signs' and other workings of their gods to make the same types of decisions (e.g., economic (what they should plant), medical (how to treat a patient), and political (who would govern the people)) for which we now rely upon reason and science.



Thus, understanding what an ideal society should be actually does allow us to make comparative decisions in our own, less ideal ones. If we know that a just society should be free of poverty, then we can choose among alternatives with the understanding that our goal, while possibly not reducing poverty completely, will at least move us closer towards it. And herein lies the critical error in Sen's argument: The ideal society is not a whole, all-or-nothing picture. It is a society that is governed by certain principles, and these principles can, in fact, help us make decisions about the nonideal alternatives we face.

In fact, it seems like decisions about how society should function would merely be a set of hodge-podge, scattershot choices if we lack a larger framework in which to understand them. If an agent solely focuses on two alternatives, he may decide upon one not knowing that its short-term benefits are devastatingly outweighed by its long-term consequences and the other, dismissed choice would actually have proven far more beneficial if an understanding of the larger context existed. Thus, understanding how an ideal society functions and committing to work towards it allows agents to make short-term sacrifices that would otherwise be deemed foolish. For example, agents must best decide how to allocate a \$1 million donation in the face of widespread hunger. Two alternatives exist: (1) Buy food and feed 500,000 people or (2) buy seeds, fertilizer, and hire people to educate 100,000 farmers on best agricultural practices. While merits for both courses of action may exist, it is only through understanding the long-term goals based on how an ideal society should function that agents are able to make the wisest decisions.

All of this said, the arguments contained in this dissertation are primarily concerned with reducing one injustice (i.e., the lack of equality of opportunity among children) and is thus not concerned with overarching theories of justice. In fact, grounding such claims in the common morality avoids most of the charges Sen alleges such theories contain. Basing an equality of opportunity on principles found in the common morality means the proposal is not inflexible and rigid since such principles have already been adapted to a variety of circumstances (hence their inclusion in the common morality). However, as stated earlier, that may lead some opponents to suggest the argument's basis in one of the less widely accepted theories of morality means the lack of an underlying theory renders it open for attack.

Yet this lack of deep grounding in one of the four major moral theories is one of the argument's greatest strengths. Writing within a legal context, Cass Sunstein (1995: 1738) argues incompletely

theorized arguments are actually an advantage in systems that must contend with value plurality. When a system has a large number of members from a variety of backgrounds who must make a number of decisions about certain types of problems, it is better to focus on the most basic principles and outcomes involved in finding a solution. In these situations, it is often unnecessary to choose between theories since they will often result in the same course of action anyway (1737).

Furthermore, as stated earlier in this chapter, people who endlessly debate about general theory will often agree on points that are more specific (e.g., what actions should be undertaken in this specific situation?) (1741). Speaking within the context of the legal system, Cass Sunstein argues people will often agree on what should happen in specific cases even when they stridently disagree on the general principles used to make such decisions (1735). Thus, by focusing on the more practical matters often found in the common morality, we are able to avoid ‘a particular kind of social heterogeneity: sharp and often intractable disagreements on basic principle’ (1734).

As touched upon earlier in this section, like Sunstein, Amartya Sen prefers to focus on practical decisions and claims. In *The Idea of Justice*, Sen (2009: ix) does not propose a theory of perfect justice but instead focuses on ways agents can ‘answer questions of enhancing justice and removing injustice’. He challenges political philosophy’s current focus on defining and achieving perfectly just societies and argues focusing on enhancing justice and removing obvious injustice is a far better basis for the practical reasoning theories of justice must involve (ibid). In fact, this reasoning means we do not need to assume that all people will actually agree on something but that the arguments on one side will, because of the requirements of public reasoning and impartiality, overwhelm those on the other (398). For example, slaveholders’ arguments for the right to own slaves were overpowered by the strong reasons against slavery (398-399).

Both Sunstein and Sen’s arguments have several implications for grounding arguments for the equality of opportunity for all children within the concept of the common morality. The first is the claim that despite the moral pluralism that exists in modern society, people holding substantially different moral beliefs can often still decide upon courses of action in specific situations. As this chapter explained earlier, although people may disagree on whether utilitarianism, deontology, virtue ethics, or social contract theory provide the best framework in which to make moral decisions, there is a high probability that they will agree on the protection and equal moral status of children. Any disagreement will likely result from ignorance (e.g., they do not understand the nature or extent of disadvantaged children’s plight or its causes), not principle. By grounding a

course of action that ensures justice to children in the principles common to all moral theories, agents will not have to choose among the foundations underlying each theory (see Sunstein 1995: 1736).

Such a grounding also accounts for the moral pluralism that may reasonably exist even within a single agent's own thought. Amartya Sen (2009: 115) maintains that trying to rationalize an agent's actions in a variety of circumstances in terms of a single, classificatory idea is a mistake since agents may plausibly rely on different theories to make decisions in dissimilar circumstances. Interestingly, it is likely the agent would not view the reasoning behind each of his decisions as mutually exclusive or incoherent with each other because he may – consciously or unconsciously – resort to the underlying principles (i.e., the common morality) found in each.

Furthermore, while agreeing on the idea to extend an equality of opportunity to all children is not a single, specific case in the sense Sunstein describes (e.g., what should we do about person A in circumstance X?), it is far more specific than most of the proposals contained within moral philosophy (e.g., unwavering respect for an individual's autonomy). In fact, the specification of this principle proposed in Chapter 8 is concrete enough that interminable debate on the underlying claims is unlikely to appear. Furthermore, although it is unlikely that all agents will ever agree upon a single idea, there is a high probability that a majority (i.e., 70% or more) of agents will agree that an equality of opportunity should be extended to all children.<sup>114</sup> Again, its foundation in the common moral principles contained in most moral theories provides a strong basis for such agreement. While agreement would ideally be reached by grounding an argument for the equality of opportunity in a single, overarching theory, the practical need to act upon such agreements means an incompletely theorized argument is the best way to move forward with such a claim.

### **VIII. Disagreement regarding an equality of opportunity for all children**

Despite grounding an argument for the equality of opportunity for all children in principles found in the common morality, disagreement may still arise. However, such disagreement should not discourage proponents of this position. As Thomas Pogge (1989: 271) writes,

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<sup>114</sup> Motivating the agents to act upon such an agreement is a separate issue that will be examined in Chapter 11.

We must not be disheartened – or feel absolved! – by pessimistic expectations about the appeal and political success of our considered conception of justice or of the institutional reforms it may call for. Rather, we should develop and propose this conception and then deal with objections and counterproposals from other cultures or from within our own as they actually arise. A cross-cultural discourse about a substantive moral issue of great common concern will broaden the vision of its participants and will tend to make the moral conceptions involved less parochial as each tries to accommodate what it finds tolerable or even valuable in other cultural traditions.

Pogge's observation draws attention to the usefulness of disagreement in highlighting the weaknesses and parochialism contained in our arguments, allowing us to revise, strengthen, and resubmit them in order to gain wider acceptance. This is an important point that will be explored in greater detail later in this chapter. After all, a proposal to enhance justice is not useful if it fails to find widespread acceptance among other agents (Gosepath 2001: 164-165). In Lief Wenar's (2001: 85) words, 'To be a guide to action, arguments must be accessible to those who are to be guided by them'.

In commenting on John Rawls' emphasis on reasonableness as a condition of agreement, Onora O'Neill (1997: 415-416) highlights when, on Rawls' account, such conditions are acceptable. According to Rawls, we should not strive for standards or principles that others will accept, only for standards or principles that others can accept (*ibid*). It is perfectly possible that others will unreasonably disagree on very reasonable principles, and we should not be held 'hostage' to such things (*ibid*). Thus, for Rawls, it is far better to propose and accept principles only that others can, not will, accept (416).

O'Neill, however, disagrees with this account (425-426). Citing a Kantian conception of public reason, she argues public reason, by its very nature, demands principles that others will adopt, especially since we operate in a society that contains moral pluralism (*ibid*).

It seems that an extension of the equality of opportunity to all children should be a relatively uncontroversial position others can adopt, especially since it is grounded in the principles found in all major moral theories. By arguing for a course of action based on these widely-held moral principles, the argument mitigates many of the issues found in society's widespread moral pluralism. It seems that, by and large, this argument would not be against most agents' moral

principles. Yet this may not always be the case. Thus, when would the proposal to extend an equality of opportunity to all children encounter disagreement?

First, some agents may not adhere to the principles held in the major moral theories. For example, while utilitarians, deontologists, social contract theorists, and supporters of virtue ethics may agree that an equality of opportunity should be extended to all children, less popular theories, including the minimalist ethic described at the beginning of Chapter 6 and increasingly popular libertarianism,<sup>115</sup> would not embrace this argument. In these cases, such theories would not share all of the principles found in the common morality.

Secondly, even when all of the principles are shared, a hierarchy of values may exist such that agents, while not disagreeing with the importance of the principles behind the argument for equality of opportunity, will still hold that other principles take precedent. Thus, even after scrutiny, agents may still be left with a plurality of competing principles. For example, in a community with extremely limited resources, leaders may prioritize the provision of food and shelter for all members of the community over the provision of education for all of the children living there.

Finally, a lack of vividness, meaning the ability to fully realize the nature of another's plight, may be a source of disagreement about the importance of extending an equality of opportunity to all children. This means rejection of the argument for such a course of action is based on a lack of understanding of the empirical data involved. Here, further discussion and information is helpful in ensuring that all parties fully understand the situation. This concept is further explored in Chapter 11.

Discussion is critical to a proper conception of justice (Sen 2009: 88) because it allows us to appreciate all of the perspectives and stakes of those involved in both the problem and its solution. Thus, opening views to wider scrutiny and not recoiling from the prospect of disagreement is an important part of honing and refining them.

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<sup>115</sup> Libertarianism is, of course, a political philosophy, not a private one, yet its distinct lack of concern for social justice may influence the way supporters conduct their private charitable affairs. Should this be the case, extending an equality of opportunity to all children, particularly those living in other countries, would run contrary to such a philosophy.

Disagreement is a useful part in formulating arguments because it ensures that the argument will remain within the bounds of reason, account for all parties' positions and interests, and avoid bias. As Sunstein (1995: 1764) says, 'agreement is important, but disagreement is important too, for it can be a creative force in revealing error and injustice'. Furthermore, it is important to not only listen to an opposing opinion but to welcome it since 'unmeasured vituperation' will hinder others from also airing their views (Mill 2005: 37). Because discussion is an important part of formulating an argument and disagreement is a critical component within that, this section will explore disagreement and its importance.

Disagreement is important because it can ensure an argument remains 'within the limits of reason and sanity' (33). To silence a discussion is to assume an argument's infallibility (15), and it is these arguments that are often the most extreme. Yet the very act of justifying an argument to others means it must be based on reasons and principles, for any serious critic does not deem that an act is wrong *per se*, but that it is wrong in light of a specific set of reasons (Scanlon 1998: 197). Thus, if Scanlon's principle of creating an argument that no one can reasonably reject is heeded, disagreement is helpful because it may prevent an argument from becoming too extreme and thus allow it to gain wider acceptance (*ibid*).

Disagreement also enables supporters of an argument to reformulate their position in order to account for other parties' positions and interests. John Stuart Mill (2005: 32) contended it is important to understand a critic's stance to one's position because, although the opponent's stance may be generally false, it is likely to hold a kernel of truth necessary to strengthening the ideas found in one's own position. Furthermore, and returning to Scanlon's point, reformulating an argument to account for the interests of all parties involved means it is less likely to be rejected. In the case of children, educating individuals on the nature and plight of disadvantaged children and then requesting their assistance – a position to which they are likely already amenable – will be enhanced if such a request already accounts for the benefactors' own time and resource constraints (see Chapter 11).

Finally, and related to the previous point, disagreements and external opinions enable arguments to be reformulated to avoid bias. Justice demands objectivity and impartiality (Sen 2009: 40-42), and we are sometimes so immersed in our argument or culture that we are blind to the bias within our position. In his extended essay *On Liberty*, John Stuart Mill (2005: 7-8) provides a slanted critique of Kant's Categorical Imperative, arguing if the only reason to perform an action

is because of a belief that all people should perform such an action, the action will not reflect reason but instead reflect the agent's own desires, preferences, and self-interests. If all like-minded people share the same preference, it remains a preference nonetheless, not a reason (8).

This point highlights why Scanlon's principle is so appealing. Although Mill stresses that small sample sizes in considering others may confirm a bias, if proponents of a position expand the base of people to whom an argument must appeal, they should eventually be able to reformulate an argument so that it is solidly supported by reason. This is a very different approach than an agent simply asking herself what she and others should do in a situation. Thus, because Scanlon's position involves consultation with others, reasons under his principle must extend beyond self-bias and self-interests. As Scanlon (1998: 205-206) observes:

My purpose is rather to illustrate the general point that we bring to moral argument a conception of generic points of view and the reasons associated with them which reflects our general experience of life, and that this conception is subject to modification under the pressures of moral thought and argument. Some of the most common forms of moral bias involve failing to think of various points of view which we have not occupied, underestimating the reasons associated with them, and overestimating the costs to us of accepting principles that recognize the force of those reasons.<sup>116</sup>

As part of this, it is extraordinarily important to seek the input and opinions of those living outside of the circumstances or culture in which arguments are formulated. While most people are often aware of their fallibility, they take little precaution against it, and on the few occasions they do, views are not generally solicited outside of a limited group of associates (Mill 2005: 15). Ironically, an agent's faith in the agreed-upon views of this collective is not lessened by the knowledge that such collectives have, throughout history, often been radically incorrect (15-16).

Thus, in assessing the reasonableness of a moral claim, there are two types of impartiality: (1) closed impartiality, in which only members of a particular group or society can make judgments and (2) open impartiality, in which others from outside a particular group can also make judgments but with an eye toward avoiding parochialism (Sen 2009: 123). Even if those making closed impartiality judgments are able to be unbiased by their vested interests, they may still stay (often

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<sup>116</sup> Amartya Sen (2009: 54) reaches similar conclusions to Scanlon, arguing Rawls' concept of 'justice-as-fairness' is foundational to the idea of justice because it requires us to be impartial in the pursuit of justice, meaning that we should avoid bias, understand others' positions and interests, and not be influenced by our own interests and prejudices.



unconsciously) within the confines and limitations of a particular worldview (128, 139). As a result, open impartiality is important to the examination of all moral claims because it can widen the appeal of arguments beyond a narrow group of people. This is especially important if the moral claims are characterized as universal.

In addition to avoiding parochialism, welcoming external observations and critiques can also take advantage of external expertise. Just as countries have certain advantages in natural resources (e.g., abundant mineral wealth, beautiful vistas ripe for tourism) or technological skills (e.g., semiconductors in Taiwan, engineering in Germany), they may also have areas of governmental or bureaucratic expertise. For example, Brazil's Bolsa Familia program, a government welfare scheme that provides direct cash payments to families that vaccinate their children and ensure they attend school, has become a model for other governments that are also trying to reduce poverty. Thus, by ensuring our moral theories are open to both internal and external critique, we can learn from others' experiences and build more effective programs to enhance social justice.

Furthermore, it is also important to include outsiders in our efforts to advance social justice because our decisions will likely affect those outside of our community (see Chapter 6 for a discussion on globalization). For example, the United States has a food aid policy that detrimentally affects the very nations it is trying to help. By making it a policy to send only food that has been grown within the country, the United States has been widely criticized for depressing local crop prices in less developed nations and thereby increasing their dependence (see Singer 2009: 36-37). If external opinions were welcomed and considered, such peculiar, counter-intuitive, and ultimately unhelpful outcomes are less likely to occur.

Welcoming external views and opinions is particularly important to a proposal to extend an equality of opportunity to children because it is intended to be implemented worldwide. Accounting for only a narrow group of opinions would lead to significant problems in its implementation, which may result in a tremendous waste of time and resources. However, if critiques of the arguments are properly considered and the proposal is readjusted to account for them, there is a higher probability of success in implementing these ideas.

Thus, criticism is essential to formulating and solidifying good ideas (Mill 2005: 31). There is a large difference between believing something to be true because numerous arguments against it have all been welcomed yet found wanting and not allowing dissident views to be aired at all



(16). As a result, the best way to test an idea is to invite criticism and observe how well it withstands attack (17). While this cannot guarantee the idea is correct, it is the best course of action given the constraints of the human mind (ibid). Unless a person is able to rationally defend his position *and* convincingly argue against the other side's stance, he holds his current position irrationally and from nothing more than familiarity or preference (26-27). In other words, the only way to rationally hold a position is to be able to thoroughly understand the strengths and weaknesses of each of case before settling upon one side or the other (26).

Yet inviting criticism and reformulating an argument to adjust for it is not a philosophical panacea. Agreement upon a rule or principle does not guarantee its wisdom (Sunstein 1995: 1744), and it remains possible that any agreements made may still be mistaken (Sen 2009: 89). That said, such error is unlikely to occur in the case of ensuring an equality of opportunity for disadvantaged children. If the number of people agreeing on that principle is large and diverse, it significantly decreases the probability of an error in judgment. Following Alasdair MacIntyre's (2007) reasoning in *After Virtue*, a large, diversified group of people is less likely to be incorrect since the reasons necessary for widespread agreement will often preclude preferences that only appeal to a smaller group. In other words, the process necessary in attaining widespread agreement will often remove appeals to preference or taste and rely upon actual reasons that can be accepted or rejected by a large number of agents.

In the case of extending an equality of opportunity to disadvantaged children, the reasons underlying the claim – including the importance of protecting children, the equality of moral status, and the use of reason – tend to appeal to a large number of agents; if they did not, these principles would not be part of the common morality. As a result, such an argument is more likely to gain widespread acceptance and endure scrutiny of its underlying claims. As MacIntyre (2007: 277) argues, the larger the number of people agreeing on a principle or action and the longer that principle or action is held to be true, the higher the likelihood the principle or action is, in fact, true. While obvious exceptions such as slavery and misogyny exist, such anomalies are exactly that: deviations from the generally true rule.

The other concern is that too much acceptance of disagreement may lead to 'disengaged toleration' that allows for measures of moral relativism (Sen 2009: x). As a result, we must reason with one another and critically examine all of the arguments (ibid). If, after closely scrutiny, a measure

of plurality remains, that plurality is acceptable because it ‘will be the result of reasoning, not of abstention from it’ (ibid).

Even this issue, however, is unlikely to cause significant difficulties with the ideas contained in this dissertation. While, as stated earlier, it is possible that implementing an equality of opportunity for all children will vary somewhat by culture, the implementation will likely look largely the same around the world because it builds upon measures (e.g., food, shelter, education) that most cultures already value (see Chapter 8). As a result, ‘disengaged toleration’ should not severely disrupt claims for equality of opportunity.

## IX. A few short objections

While Chapter 10 will address objections to this dissertation in great detail, this section will undertake two of the lesser ones here. First, there is a difference between a *reason* for action and a *duty* to perform it (Sen 2009 372). For example, there may be good reasons to lock my door at night, but it is not morally wrong not to do so. However, if I housesit for a friend and he has specifically asked me to do so because he is worried about thieves stealing his expensive electronics while I am sleeping *and* I have promised my friend that I would honor his request, then I have not only a reason to lock the doors but also a duty to do so.

Chapter 5 argued many good reasons exist to extend an equality of opportunity to all children. This chapter and the previous one then argued why we have a duty to do so. The idea of beneficence and other principles found in the common morality actually *oblige* agents to ensure that children have an opportunity to pursue their conceptions of a good life. Should the agent not fulfill this duty, she can be held to be morally blameworthy for it.

Secondly, some critics charge equality of opportunity cannot be compared across cultures. Stéphane Chauvier (2001: 100-101) argues an equality of opportunity can extend across cultures only if the claim is absolute, not relative, because such a claim in one state will likely be determined by certain economic or social endowments obtained in another. In other words, it would be difficult for an impoverished child in Ethiopia to try to obtain the same goods as a wealthy child in France. Chauvier deems any attempts to level this equality of opportunity to be incompatible with political pluralism in which states may willingly choose to have different opportunities as a result of cultural or lifestyle choices (e.g., the trade off between more wealth from higher productivity vs. more leisure time due to shorter work weeks) (102).

This argument has some merit. If a relative equality of opportunity were implemented, more economically productive cultures would be paying to create opportunities in less economically productive cultures. If the difference in economic productivity was not wholly by choice (e.g., weak civil and political institutions left by colonialism or interference during the Cold War), then such a system would be just. However, if the differences were the result of choice (e.g., a shorter work week), then it would be unfair to ‘punish’ the wealthier culture by forcing it to pay for the creation of opportunities the less affluent culture could have created but, as a result of lifestyle choices, chose not to do so.

However, we must be careful in how we address such claims, for it is unjust that a child born into a certain political and social culture have his opportunities be limited by that culture since such choices were made not by him but by his predecessors. Yet the ability to take advantage of the opportunities discussed in this dissertation (i.e., the ability of an agent to pursue his conception of the good life) relies on provisions such as food, healthcare, and education, provisions that are more likely to be categorized as ‘absolute’ rather than ‘relative’. As a result, the vast majority of states aspire to provide these goods to children.

#### **X. Moral blameworthiness incurred due to a failure to act**

On a final note, Peter French (1974: 282) argues under certain circumstances, entire populations can be held morally blameworthy for actions committed by their government or military troops even if no individual member of the population willed or committed those acts, and he cites atrocities committed during the Vietnam War as one such example.

It appears the same judgment would apply to an unjust economic or social system. Even if agents do not individually will it, they can be held blameworthy if they were aware of the system and its unjust outcomes yet failed to act to change it (and thus, by doing nothing, perpetuate it). As discussed earlier, there is a rising awareness that most people living in developed nations are unjustly advantaged participants in global economic and political systems. If these individuals do not act to alter these systems so that benefits and burdens are distributed more justly, they are morally liable for the unjust outcomes inherent in these systems. One way to change such a system is to ensure that all people, particularly children, have an equal opportunity to incur its advantageous benefits.

## **XI. Conclusion**

Thomas Pogge (1988: 247) observed ‘the world is not, and hardly will be again, one in which a standard of global justice is unnecessary or undemanding’, and the arguments proposed in this chapter are demanding indeed. However, they are not unreasonable. While they may require us to alter the way we think about our moral obligations, a concept further explored in Chapter 11, such a change may simply be necessary to understanding the true nature of our moral obligations to children. Peter Singer (2009: xi) ‘suggest[s] that it may not be possible to consider ourselves to be living a morally good life unless we give a great deal more than most of us would think it realistic to expect human beings to give’.

The next chapter (Chapter 8) will explore our exact obligations regarding the extension of an equality of opportunity to children, and the following chapter (Chapter 9) will examine the limits of those obligations. Between them, these chapters will address the demands of the arguments and claims made in this chapter.

## Individuals' Specific Obligations to Children

### Chapter 8

Now that our obligation to create an equality of opportunity for all children has been established, what does that opportunity entail? It is important to understand this since the opportunities given to a child will shape both the kind of adult that child will become and how that adult evaluates his or her own life (Archard 2006). As a result, great care should be taken in selecting the way to offer these opportunities.

Jim Ife (2001: 77) contends 'needs are, by their very nature, value laden'. While this is likely true at the upper end of the income ladder (e.g., is a car always necessary?, does an individual actually need a mobile telephone?), certain needs (outlined below) are so necessary to our day-to-day survival that it would be difficult to claim they are value driven. Instead, the way in which they are implemented will certainly be value driven.

Joseph Raz (1998: 53) argues when we are faced with the choice between saving the few and saving the many, assuming the costs to us are the same in both cases, we are morally at fault for not saving the many. This claim is highly contentious within the philosophical community and will not be addressed here. Instead, this dissertation simply outlines the needs that must be met in order to create an equality of opportunity, including nutrition, shelter and sanitation, healthcare, and education. Meeting these needs enables children to appreciate the wider range of options available to them and act in accordance with this expanded perception (see Rostow & Rostow 1992: 365 and Wood 2003: 462).

#### **I. A reminder of the purpose of our obligations to children**

The purpose of our obligation to create an equality of opportunity for children is to allow them to pursue their specific conceptions of a good life. While this will hopefully result in happiness, it is important to understand that happiness or the accumulation of material wealth is not the end goal *per se*. First, it would be very difficult to consistently produce this since, after a minimal amount of wealth that primarily meets basic needs, the absolute level of material prosperity only modestly impacts personal happiness (Fleurbaey 2008). Instead, happiness is far more influenced

by an individual's health, natural disposition, relative position on the social hierarchy, and personal friendships and relationships (ibid).

It is important to note people living in developed nations report higher levels of happiness than those living in developing ones; however, happiness and GDP are only weakly correlated among developed nations (*The Economist* 2009k). Experts theorize that, after a certain level of basic needs are met, happiness may only increase according to position in a hierarchy, meaning the amount of goods necessary stops being absolute and becomes relative to what others possess (ibid). The purpose of an equality of opportunity is to ensure that people's positions on the hierarchy are due to their own actions, not circumstances outside of their control. While happiness may be a byproduct of this, it is not the end goal.

Furthermore, providing an equality of opportunity for children does not mean eliminating all forms of pain and suffering. Pain is not always negative (e.g., leaving friends and family to move to another city for university) and, more importantly, cannot always be prevented. Thus, while the creation of an equality of opportunity will eliminate many forms of pain (e.g., hunger, child deaths from preventable diseases), the elimination of pain is not the end goal *per se*.

While the creation of happiness and elimination of pain are not the end goals of an equality of opportunity, self-sufficiency is. Learned helplessness at the individual or community level, a common risk in providing aid, does not help individuals pursue their conceptions of a good life. Instead, philanthropy should always aim to strengthen a community's ability to provide for its own inhabitants since it will eventually need to do so once external assistance is withdrawn or ends (Wilkinson-Maposa et al., 2009: xiv). In fact, 'in any well-structured society, the objective is to move toward conditions under which all people can provide for themselves' (Kent 2005: 46).

As a result, instead of asking how we can care for people's basic needs, we should ask how to help people care for their own needs (107). In fact, few serious thinkers on helping the disadvantaged and poor think such people should receive food or cash directly (see Singer 2009: 36-37). Instead, people should be provided with the opportunity to work for the things they need instead of allowing effortless attainment (Kent 2005: 107).<sup>117</sup> William Easterly, an economist at New York University, argues aid in the form of basic healthcare, education, small community infrastructure (e.g., roads and boreholes), and basic economic inputs (e.g., fertilizer and seeds)

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<sup>117</sup> There are some exceptions to this principle, including providing direct aid after natural disasters (Kent 2005: 107).

does not create dependency but instead ‘raise[s] the payoff to their own efforts to better their lives’.

Children are, of course, slightly different since a defining characteristic of a child is her dependence. Yet the same general principles still apply. Just as we raise our own children to become fully independent adults who can, in turn, raise their children to become fully independent adults, we want to provide children, particularly those who are disadvantaged, with the characteristics and skills necessary to become fully independent adults who can, in turn, raise their own children to become fully independent adults. This liberal view of children thus contends autonomy is the most important ability to develop in a child (Archard 2006).

To fully relate this to the idea of an equality of opportunity, recall the purpose of an equality of opportunity is to provide people with equal access to skills and opportunities so that any differences in income, socioeconomic status, or other achievements result from individual choice, not moral luck. The ability to access these opportunities assumes a basic level of nutrition, healthcare, and education, among other things, and it is these provisions that comprise our obligations to children.

## **II. A child’s ‘best interests’**

Many argue assistance to children must be rendered with the child’s ‘best interests’ in mind, yet significant controversy surrounds the definition of ‘best interests’, particularly since each person may interpret the term based on their conception of a good life (ibid). Still, the principle behind acting within a child’s best interests requires an ideal to be achieved, not a minimally good standard by which to abide (ibid). Yet even this is problematic since acting within the best interests of an individual child may negatively affect other children (e.g., devoting resources for a child to attend Harvard University instead of using those same resources to enable many children to obtain a primary school education).

This dissertation will sidestep this issue of ‘best interests’ by simply arguing that the obligations it proposes – including food, shelter, and education – are so basic to the attainment of a good life that it would be difficult to argue they are not within a child’s best interests. The next section will describe the exact nature of these obligations and the rationale behind them.

### III. Our specific obligations to children

When understanding our specific obligations to children, it is important to remember that while disadvantaged children will need more assistance, all children should receive these opportunities. Why this reminder? Because programs targeting only specific segments of society are often not effective.

UNICEF provides a detailed argument as to why this is so. According to the agency, in an effort to be more efficient and effective, many poverty reduction programs attempt to offer services to a narrow demographic (UNICEF 2000: 34). However, the organization argues such programs entail significant indirect cost and largely waste resources for the following five reasons: (1) because poverty is complex, it is easy to misidentify the targets for such measures; (2) the non-poor, who often have a larger political voice, do not want such programs to only be available to the very poor; thus, such programs often help those for which they were not originally intended; (3) poor households may not be willing to endure the costs necessary to document their eligibility for such programs, and the poor may not want to endure the social stigma that often comes with receiving such aid; (4) such narrowly targeted programs are usually twice as expensive as broader ones and may have increased opportunities for corruption and mismanagement, and (5) as a result of the very poor's weak political voice, there may not be the political commitment necessary to sustain such programs (34-35). As a result, the non-poor will often benefit from the expansion of services before the poor (46-47). Thus, it tends to be better to implement programs that are better for everyone. For example, it may be more beneficial to provide free education to all children than try to extend vouchers only to the poorest.

A child's needs vary throughout the first 18 years, but they can generally be categorized as follows:<sup>118</sup>

- Infancy and early childhood: Nutrition, healthcare (including vaccinations), and love and care;<sup>119</sup>
- Middle childhood: Nutrition, primary education, love and care; and
- Adolescence: Secondary school/vocational training, nutrition, adult support and guidance.

<sup>118</sup> This list is adapted from a joint report on the needs of children affected by HIV/AIDS called *Children on the Brink 2004* (UNAIDS, UNICEF, USAID 2004: 16).

<sup>119</sup> Early childhood needs should not be overlooked since it is significantly more cost effective and successful to lay the foundations for equality of opportunity early in life than to try to equalize such opportunities later (Barros, Ferreira, Vega, & Chanduvi 2009: 3).



Importantly, these needs are highly interdependent. For example, one study found an improvement in child mortality rates was associated with an increase in enrollment rates (Baldacci, Clements, Gupta, & Cui 2008: 1328). While this may simply be because there were more children to attend to school, it is more likely because the children were now healthy enough to actually participate in class.

While the exact specification of these needs must account for cultural sensitivities, it should never be assumed the community in which the assistance occurs always knows best. For example, although a particular society may decide girls should not attend school, we should work with them to question that assumption given females' equal moral status. However, generally speaking, 'it is common to find agreement on the general alongside disagreement on the particular' (Sunstein 1995: 1768), and most cultures should find the elements proposed in the remainder of this section relatively uncontroversial.

### *Nutritious food*

Food is one of the most basic elements of survival and is thus one of our most important obligations to children. Because the nutritional content of food often matters just as much as the number of calories for both brain development and concentration, it is important to consider the type of food, and not just the amount, when fulfilling this obligation. According to UNESCO (2006: 127), creating and implementing programs to monitor young children enables early detection of malnutrition, which in turn enables a better response to it and thus diminishes the lifelong effects of stunting and hunger.

Because proper nutrition is essential to sustaining normal biological functions, malnutrition<sup>120</sup> may have lifelong effects on an individual. These effects include:

- Impaired physical and cognitive abilities – Children who do not receive proper nutrition, particularly during gestation and the first 24 months of life, are at risk of permanently impaired physical and cognitive abilities, including stunting. This condition occurs when a child's chronic undernutrition impairs not only cognitive and immune abilities but diminished height (UNICEF 2009d: 5, 7). At 40% and 36%, Africa and Asia, respectively, report the world's highest stunting rates, and 90% of stunted children in the developing world live in these regions (10). In fact, moderate to severe stunting affected 29% of

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<sup>120</sup> Undernutrition/malnutrition results from a lack of nutritious food as well as repeated illness caused by infectious diseases (UNICEF 2009g: 10). This can occur even if the required amount of calories is consumed.

children in the developing world as of 2008, although this welcomed decline from 40% in 1990 (17).

Other long-term effects of chronic undernutrition include diminished height, lower cognitive capacity and educational achievement resulting from direct damage to the brain, reduced economic productivity resulting from susceptibility to illness and impaired cognitive ability, and lower birth weight in children the mother bears, which repeats the cycle (Victora et al., 2008: 3-6).

In terms of non-permanent damage but still impaired abilities, children who are hungry are less likely to be able to concentrate in school and thus obtain the education they need to succeed. As a result, while the serious, long-term effects of hunger must be addressed, its immediate effects should also not be overlooked.

- Greater susceptibility to disease – Chronically malnourished children have a greater susceptibility to disease and disability (Black et al., 2008: 244). Such susceptibility initiates a rather vicious cycle since children who are ill, particularly with diarrheal diseases, do not have the capacity to properly process food.
- Increased risk of mortality – The greater susceptibility to disease increases the risk of mortality in children who are undernourished. In fact, most people do not die of malnutrition; instead, they die of a combination of malnutrition and disease since, as stated above, being malnourished makes one more susceptible to illness. Sadly, maternal and child undernutrition causes over one third of children's deaths and accounts for more than 10% of the global disease burden (254).

Because of such serious short- and long-term effects, nutritious food is foundational to providing children with an equality of opportunity. While, as the UNESCO report cited above highlighted, significant progress has been made, much remains to be done.

#### *Safe drinking water and appropriate sanitation facilities*

Clean drinking water is essential to the human diet and sanitation and thus to human life itself (Kent 2005: 187). While substitutes for other necessities may exist, we cannot substitute water (ibid). In fact, a lack of clean drinking water and appropriate sanitation facilities result in 5,000

child deaths each day (*The Economist* 2010d) since unsafe drinking water as well as poor sanitation and hygiene routinely cause malnutrition and illness in children (UNICEF 2000: 26) (see discussion on malnutrition in previous subsection).

Most experts agree people need a minimum of 20 to 40 liters of water per day to meet minimum drinking and sanitation requirements (UNIFEM 2004). While almost everyone living in developed nations has access to improved water sources, only 84% and 62% of those living in the world's less developed and least developed nations, respectively, has access to these resources (Population Reference Bureau 2008: 11). Because water is essential for health, it is critical to provide it to children.

### Healthcare

An individual's health significantly affects her ability to lead a good life, not only physically (it is difficult to pursue a conception of the good life if one is always bedridden) but mentally as well (a person's desire and ability to concentrate on the task at hand is greatly diminished by illness). Interestingly, a recent study published in *Proceedings of the Royal Society* showed a strong correlation between the prevalence of infectious disease in a country and its average national IQ (Eppig, Fincher, & Thornhill 2010: 5). The authors hypothesize infectious disease may divert the body's resources toward fighting off infection instead of developing the brain, a response with especially dangerous consequences for children given the high level of resources their brains' require in order to develop properly. (ibid). This may in turn cause long-term changes in development in which the body permanently diverts more resources to immune response than to cerebral functions, a process that is likely to decrease IQ (ibid). Such consequences obviously affect a child's ability to pursue her conception of the good life.<sup>121</sup>

In fact, access to good healthcare may affect a child's ability to lead any life at all. Because they are generally caused by infectious disease, diarrhea, and malnourishment, almost all child deaths are preventable (Alkire & Santos 2010: 15). It is thus critical to provide children with appropriate access to healthcare.

What is appropriate access to healthcare? Although this question inspires significant debate both ethically and politically, it seems fairly obvious that access to prenatal care, good nutrition, childhood vaccinations, and preventative pediatric care are essential to maintaining children's health

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<sup>121</sup> Conversely, good health also increases performance. For example, a campaign to treat children in the West Indies infected with whipworm resulted in a substantial increase in their ability to learn (UNICEF 2000: 22).

(Rosenbaum 1992: 284-285). As a result, our specific obligations to maintain children's health include:

- Increased access to healthcare – Although disadvantaged children's circumstances often make them more susceptible to illness and disease, prejudices within the healthcare system often block their access to it (CFSC 2002: 20-21). Others are blocked because there are no healthcare facilities in their vicinity, especially if they live in rural areas. In fact, 40% of deaths in children under five are the result of pneumonia and diarrheal diseases since access to the low cost treatments to treat such illnesses remains low in developing nations (UNICEF 2009b: 17). Thus, the first step in maintaining a child's health is providing access to the facilities needed to do so.
- Prenatal care – While prenatal care can only occur via the biological mother, its benefits primarily accrue to the child and should thus be included in healthcare obligations. Providing adequate prenatal care is essential to a child's mental and physical health after birth. In fact, approximately 40% of deaths in children under five years of age occur within the first 28 days of life, and a child born in one of the least developed countries is 14 times more likely to die within its first month than a child born in a developed nation (UNICEF 2008: 3). Low birth weight, often an indication of a lack of prenatal care, is also associated with lower cognitive ability (Brooks-Gunn 1995: 91). As a result, it is important to provide prenatal care in order to give children a full equality of opportunity in life.
- Vaccinations – Because of a lack of vaccinations, many children in developing nations routinely die of illnesses no longer considered problematic in developed ones. In fact, children living in impoverished households, particularly those younger than five years old, are more vulnerable to childhood diseases, including measles, diarrhea, and pneumonia, so it is especially important to ensure such children are vaccinated (UNAIDS, UNICEF, & USAID 2004: 14-15).
- Basic care – Children need access to basic levels of care, including routine check-ups, basic antibiotics, and oral rehydration treatments, in order to maintain their health. As a result, it should be included as part of our healthcare obligations to children.
- Mental health – Many disadvantaged children have witnessed or been a victim of traumatic experiences, including violence and war. This often inflicts emotional damage that hinders them from becoming emotionally healthy adults. Although mental healthcare still carries a stigma in many parts of the world, it should nonetheless be provided as part of the basic healthcare necessary to creating an equality of opportunity for children.

- Sexual health education and birth control – Although controversial, comprehensive sexual health education can reduce the risk of pregnancy, sexual exploitation, coerced sex, and sexually transmitted diseases in adolescents (UNAIDS, UNICEF, USAID 2004: 18) and is thus necessary to create an equality of opportunity for children. Providing access to birth control, which is even more controversial, is also important since a lack of such access significantly affects females (Diemer 2006: 12) and may limit future educational and work opportunities.

This list is not comprehensive, and work remains to be done. For example, in an ideal world, children with disabilities would be given access to the healthcare needed to overcome their poor moral luck; however, because of scarce resources, further research on the prioritization of such issues is needed.

#### Adequate shelter

Children's mental and physical health can be affected by where they live. Unsanitary conditions increase susceptibility to infectious diseases, and unventilated cooking stoves – an issue across much of Africa – increase respiratory illnesses. In terms of mental health, those living in unsafe neighborhoods may fear being the victim of crime, which can affect their ability to concentrate. As a result, adequate shelter is one of a child's most basic needs.<sup>122</sup>

#### Education

Although not as vital to survival as clean water and good healthcare, education is an extraordinarily important element in creating an equality of opportunity. Jeanne Brooks-Gunn and Greg Duncan (1997: 61) note 'educational attainment is well recognized as a powerful predictor of experiences in later life' while Ernest Gellner (1983: 36, emphasis in the original) observes 'the employability, dignity, security and self-respect of individuals [in a modern industrial society], typically, and for the majority of men now hinges on their *education*'. Such conclusions are not limited to academia. A report by McKinsey & Company (2009: 9), a well-respected management consulting firm, acknowledges the importance of educational achievement as 'one of the best indicators of equal opportunity in a society'. Why are such judgments so widely shared? The an-

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<sup>122</sup> Shelter is more difficult to provide than many of the other items listed here since, on a practical basis, it will often mean upgrading entire communities. Also, because children usually live with their parents or other adults, providing adequate shelter for them would be difficult to disentangle from providing adequate shelter for adults. Unfortunately, providing this kind of shelter for adults conflicts with the idea that individuals' needs should not be met but instead, the individual should be given the opportunity to work to meet his needs.

swer is quite simple: Education is the tool that enables individuals to understand, select, and obtain different conceptions of the good.

Education – particularly an education that emphasizes critical thinking and reflection – provides individuals with the autonomy necessary to understand different conceptions of the good. John Rawls argues autonomy can only be achieved by consciously controlling the social structures that shape our goals (Buchanan 1982: 159), but one must learn about these social structures in order to control them. Learning to identify such social structures enables an individual to consciously delineate what society values versus what he values and thus to recognize and create different conceptions of the good.

In addition to enabling individuals to identify different conceptions of the good, education also equips them with the ability to more wisely choose among these options (Arneson & Shapiro 1996: 388). Put differently, education allows people to better understand and properly assess the risks of different courses of action. UNICEF (2000: 15) takes a similar view, contending education allows individuals to understand relevant knowledge and apply it to their behavior. This can be true not only for overall conceptions of the good life but also for important day-to-day decisions that affect the overall conception. For example, if an advocate attempts to explain the complex issue of AIDS to a poor, illiterate woman, the latter ‘will, in all probability, either not understand what is being communicated to her, not believe it, or shrug it off as just one of the many hazards that she has to face in order to continue her struggle for survival’ (van Niekerk 2005a: 61). Yet education makes such communication and understanding easier and better enables individuals to weigh the risks and rewards of potential decisions.

In addition to providing individuals with the ability to understand and choose among different conceptions of the good, education also allows them to obtain their selected option by equipping them with the skills and information necessary to do so. For example, an individual who desires a well-paying job (e.g., engineering or accounting) may need to be certified in that particular field, and an education is often necessary to acquire the skills needed to obtain the certification. Why? Because such certifications often require knowledge that is not self-evident and thus requires learning from either a person or a book (see van Niekerk 2005a: 60). This is true even outside of highly paid professions. Ballet dancers and artists require a different type of skill impartation, but it is an education nonetheless. In fact, there are very few non-subsistence professions that require neither basic math nor elementary reading skills, which makes education an essential

stepping stone to obtaining one's conception of a good life.<sup>123</sup> As Gellner (1983: 142) notes, 'literacy is no longer a specialism, but a pre-condition of all the specialisms, in a society in which everyone is a specialist'.

As implied by the previous paragraph, a particular conception of the good life generally includes the ability to obtain a particular type of job. According to Human Rights Watch (2005: 3-4), education is needed to access many other things, including better employment opportunities. In fact, education can serve as a major impetus to eliminating socioeconomic disadvantage (UNESCO 2010: 164). OECD (2009: 294) research shows early childhood programs can compensate for socioeconomic disadvantage and prepare children for primary education while primary and secondary education provides individuals with the broad-based competencies they need to enter either the workforce or a tertiary educational institution. This in turn affects employability.

Ernest Gellner (1983: 33-34) argues that because modern society relies upon perpetual growth, it must also produce people to fuel that growth. In order to do so, these people must meet at least minimal standards of mathematics, reading, and writing, and hence education is essential to the modern individual's employability and upward mobility (34). Thus, people who are not educated are at greater risk of unemployment and underemployment than those who are (Nickel 2006). In OECD countries, for example, individuals that complete a secondary education are more likely to be employed than individuals without one, and individuals with a tertiary education are more likely to be employed than both (OECD 2009: 337). As a result, generally speaking, individuals with higher levels of education are more likely to report higher employment rates (120-121). For example, one study of Russian households found those led by a person with a university degree are twelve times more likely to not be chronically poor than those led by someone without a university degree (Klugman & Kolev 2001: 273). The American unemployment rate provides another telling example. During the depths of the recent financial crisis and recession, the unemployment rate for those with at least a bachelor's degree totaled 4.1% whereas the unemployment rate for those with less than a high-school diploma was more than three times higher at 12.6% (Evans 2009). In fact, in 2007, OECD countries reported individuals without an upper secondary education experienced unemployment rates nearly three times higher than those with a tertiary education (9% versus 3.3%) (OECD 2009: 134). Such statistics are especially dan-

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<sup>123</sup> Even subsistence farmers can usefully apply basic education to their profession and thus obtain a better conception of the good life. For example, mobile phone technology is enabling farmers in India to obtain information on prevailing market conditions for their goods, thus allowing them to better negotiate with expensive middlemen (Jensen 2007: 919). Yet turning such knowledge into a bargaining chip during negotiations requires basic reading and numerical literacy.



gerous for the young since there appears to be general consensus that low-skilled youth tend to be most vulnerable to economic downturns, and young people reporting prolonged unemployment (defined as unemployment for at least a year) tend to be among the worse in terms of employment for the rest of their lives (*The Economist* 2009a).

Related to employability, education also affects an individual's earning power. For example, across all OECD countries, individuals with a qualification from a tertiary educational institution earn more than those without one (OECD 2009: 138). Tellingly, the earnings premium exceeds 50% in over half of OECD countries (137). While reliable data is difficult to obtain outside of the OECD, the same trend likely holds true for non-OECD countries as well.

This earnings power in turn affects an individual's ability to break the cycle of poverty. In fact, Patricia Adkins (1975: 133) argues a child's 'lack of education leads directly to his continuing poverty... He is likely to be a welfare case, a burden to his community, and a failure in his own estimation and in that of his peers'. UNESCO (2010: 165) agrees, concluding the available evidence demonstrates a 'negative cycle in which poverty begets education disadvantage, which in turn perpetuates poverty'. Conversely, it is possible for good educational institutions and support programs to counteract the negative effects and attitudes of poor communities (Coulton & Pandey 1992: 250). According to the OECD, an individual can compensate for initial disadvantage (e.g., coming from an impoverished household) by obtaining a better education (Ischinger 2009: 14).

Education also has myriad non-employment related benefits. First, it increases civil participation. For example, people who are educated and have a certain minimal income are better able to understand politics and spend the time and money necessary to vote (Nickel 2006; CNCS 2007: 7). Secondly, education increases equality since a lack of education may largely be responsible for women's disempowered position in society (see van Niekerk 2005a: 63).<sup>124</sup> For example, a UNICEF (2009a: 9) study found poor women who lack formal education are far more likely to find domestic violence acceptable. As a result, increasing women's education levels will also increase their standing in society and thus their ability to obtain their conception of the good.

Thirdly, education has positive health benefits. Research shows a strong correlation between people who complete primary schooling and better self-reported health later in life (Gustafsson,

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<sup>124</sup> Note that van Niekerk makes this comment specifically about African women, but the same likely holds true on other continents as well.



van der Berg, Shepherd, & Burger 2009: 26). Furthermore, females with higher educational attainment have lower maternity risks since they are more likely to delay pregnancy and make better nutritional decisions (UNICEF 2008: 7-8). Finally, well-educated individuals are more likely to make healthier lifestyle choices (OECD 2009: 172).

In summary, education is one of our specific obligations to children due to both its employment and non-employment benefits. In fact, the OECD found that even after adjusting for education's positive effects on income, certain features of education (e.g., 'competencies and psychosocial features such as attitudes and resilience') are associated with better levels of health, increased civic participation, and healthier interpersonal relationships (171). It is thus a vital part in implementing an equality of opportunity for children.

Having established the rationale for education's inclusion in our specific obligations to children, it is important to understand the disparities in education across the world. According to the OECD (2009: 3), governments are increasingly using international comparisons to design and evaluate their own policies and incentives so as to maximize their citizens' educational, economic, and social prospects. Still, while more children have access to education, large inequalities in the quality of that education remain. For example, in 2001, the average Indonesian student had achieved the same reading ability as a French student in the 7th percentile of the distribution curve (Ferreira & Ravallion 2008: 15).

Developed nations spend between 5% and 6% of GDP on education (UNESCO 2006: 76), and almost all children living in OECD countries have access to 12 years of formal education (OECD 2009: 293). In fact, an upper secondary education is the minimum qualification necessary to successfully enter the labor market in most of these countries (46, 123). As a result, in OECD countries, 34% of 25 – 34 year-olds hold a qualification from a tertiary educational institution, and experts expect OECD countries to continue to report increased levels of tertiary education (27-29). Based on current trends, the OECD estimates 56% of young adults in its member countries will enter a traditional university institution, with that percentage increasing to as high as 65% in regions such as Australasia and Scandinavia (50).

The developing world provides a rather stark contrast. Whereas most people between the ages of 17 and 22 who live in developed nations have 10 to 15 years of education (UNESCO 2010: 139), most children in developing nations lack access to secondary education (UNESCO 2004: 103).

In fact, according to UNESCO (2010: 2), 20% of adults in 26 countries have less than two years of formal education.

Not that more time spent in the classroom is necessarily helpful. In some parts of sub-Saharan Africa, for instance, a person with five years of primary school education has a 40% probability of illiteracy (1). This is likely because in some of the world's least developed nations, primary school teachers tend to be poorly educated and trained themselves (UNESCO 2004: 110).<sup>125</sup> Astonishing student to teacher ratios exacerbate the issue. While most developed nations report between 15 and 25 students per teacher, poor countries such as Mauritania and Bangladesh routinely report ratios of over 40:1 while a few countries (e.g. Chad, Malawi, and Rwanda) have over 60 students per teacher (UNESCO 2010: 388-395). Given such figures, it is not surprising to find large educational disparities between developed and developing nations.

Given this, what does it mean to provide an education that fulfills the requirements to provide an equality of opportunity for children? While some argue children should be given every opportunity to ensure the widest array of choices possible are available to them, critics counter this is neither desirable or practical, particularly beyond a certain threshold (Arneson & Shapiro 1996: 391-393). For example, it is not practical to provide piano lessons to children living in remote villages in the Andes, and it would be a far more effective use of resources to ensure better scientific equipment is available to more children.

However, while providing all opportunities to all children is impractical, it is critical to still provide a minimum level of quality education to students. Why? Because the quality of a child's education will in part determine not only how much they learn but whether they are in school at all since parents must be able to see the benefits of education over the alternatives (e.g., sending the child to work in order to earn income for the family) (UNESCO 2004: 28). The structure of today's economy also demands it. This economy depends on a flexible and mobile workforce that is able to communicate across distances (meaning written language and shared conceptions are important); thus, its participants must share certain standards of education (Gellner 1983: 33-34). In fact, Ernest Gellner argues the economy is now structured such that skills can no longer be learned informally but requires a structured, formal education (28). Not providing such an education is costly. For example, South Africa has high levels of primary school enrollment, yet its economy does not record the expected gains. In fact, economists at the University of Stellen-

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<sup>125</sup> For example, less than 60% of teachers in Congo hold a qualification from a lower secondary institution, much less a certificate or degree from a tertiary educational institution (UNESCO 2006: 54).

bosch argue the country's poor quality of education hinders the economy by as much as ZAR550 billion to ZAR750 billion (approximately US\$78 billion to US\$107 billion), annually (Gustafsson, van der Berg, Shepherd, & Burger 2009: 35).

With this in mind, what does a quality education include? According to the OECD (2009: 190), providing students with a solid education includes hiring qualified teachers who teach an appropriate curriculum in an adequate facility to students that are motivated to learn. There are many experiments under way on how best to facilitate this, and data from this research should be incorporated in how to implement this important element in creating an equality of opportunity for children.<sup>126</sup>

Education should also be free, meaning not only the formal and informal access to the classroom but also any uniforms or textbooks such access necessitates. Allowing unfettered access to the classroom is an important element in equalizing opportunity. UNESCO (2010: 165-166) cites ample evidence from its own data collections as well as those of the World Bank that free education dramatically boosts enrollment. Conversely, monetary barriers to access reduces enrollment. For example, a 2000 survey of Tanzanian street children found 22% of them became street children due to the inability to pay school fees (CFSC 2002: 8).

The amount of education is also important. Jeffrey Sachs (2005: 257) argues universal primary education is no longer sufficient. Although access to and attendance in primary education continues to increase, secondary education remains a significant issue, with only 42% of children in the developing world (excluding China) enrolled (UNICEF 2009b: 17). According to Sachs (2005: 257), all children should receive at least nine years of schooling, and a 'significant number' should be encouraged to complete university. Tertiary education, although costly,<sup>127</sup> is important in order to provide students with the technical, economic, and medical expertise societies need to thrive.

While this subsection on education as heretofore focused on the elements of providing a quality education to all children, it is important to note early childhood education is particularly impor-

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<sup>126</sup> Such a curriculum should likely include lessons on IT and communications technology so children will be able to take advantage of the benefits of globalization once they enter the job market (see Diemer 2006: 13).

<sup>127</sup> Because it is so costly, access to tertiary educational institutions does not necessarily need to be free; however, it is important to provide students with the means to finance this final part of their education. In other words, although a university degree does not necessarily need to be free, students should also not be hindered by significant financial barriers to it.

tant for disadvantaged ones since children living in poverty do not have the same opportunities to develop cognitive skills that children living in more privileged circumstances possess (Adkins 1975: 135). Russell Dusewicz (1975: 137) explains:

That disadvantaged children do not do well in our schools has become a well-established fact. These children have a meager environmental foundation upon which to develop cognitive skills and are generally unprepared to cope with the formal intellectual and learning demands of the school. Typically entering school with considerably lower language and conceptual abilities relative to their advantaged counterparts, they maintain this disadvantage and often increase it over time, resulting in what has sometimes been referred to as a “cumulative deficit.” The consequences of this deficit generally lead to educational failure and a disheartening waste of human potential. Comprehensive efforts at overcoming the early disabilities of these children must begin at the preschool level. Although experimental evidence exists in support of the hypothesis that appropriate supplementary experiences at an early age can result in considerably rapid and significant increases in development among these children, by far the majority of such programs have met with only marginal success due to a variety of reasons principal of which seem to be failure to concentrate on language development and starting too late.

The correlation between early childhood education and later school achievement is astonishing. One study of children in the United States showed a child’s test scores at 18 could be predicted when they were five years old (Heckman as cited in UNESCO 2010: 49). This is likely for two reasons. First, cognitive abilities tend to be set early in life. Thus, because education’s impact is limited by these abilities, early childhood education is essential to providing the foundations crucial for later learning (Esping-Andersen 2005: 31). However, these physical constraints are compounded by emotional ones. A child’s attitude is closely associated with his/her educational performance (OECD 2009: 98), and this can work in a virtuous cycle. A young child who is excited about learning and does well in school will stay motivated to continue learning in subsequent years. However, children who do not do well will lose the motivation to continue learning, which results in further declines in educational performance. It is thus important to begin this process of motivation and achievement early in a child’s educational career.

Finally, it is important to note education may need to be more broadly construed than what is defined here. While an ideal world would provide all children with 12 years of primary and secondary schooling and opportunities for tertiary study, not all children can function in such a system. For example, street children often cannot cope in such disciplined structures and thus

may require alternative forms of education better suited to their unique needs. Such cases must be considered when implementing an equality of opportunity in education.

### Love and guidance

Most child development theories argue children need a combination of a caring environment, frequent adult-child interactions, boundaries regarding the child's behavior, and intellectual stimulation in order for children to mature into healthy, productive adults (Wilson, Ellwood, & Brooks-Gunn 1995: 73). Even the 1959 *Declaration of the Rights of the Child* acknowledges 'the child, for the full and harmonious development of his personality, needs love and understanding'. Thus, while it might sound like the makings of a clichéd film, love and guidance are essential in providing an equality of opportunity for children.

In its most rudimentary form, this element can be interpreted as children's need for advocacy and care. For example, children who lose their parents may be left with no one to help them address discrimination or loss of access to education and healthcare (Human Rights Watch 2005: 23). Street children are often treated like criminals even when they have not committed a crime (CFSC 2002: 17). Yet even children who have parents are often forced to participate in social or cultural traditions (e.g., female genital mutilation or forced childhood marriage) that are harmful to their long-term development (UNICEF 2009b: 11). The elimination of such practices generally requires legislation supported by education initiatives on the topic and capacity building (ibid). Because children often lack the capacity to understand the harmful nature of certain practices, much less the ability to change them, it is important they receive the advocacy and care to campaign against these traditions.

Children also need love, and this element is well recognized in society. The prolixly named Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, a UN resolution addressing principles for the adoption and foster placement of children, acknowledges children's 'need for affection' in Article 5. Even philosophers recognize love's importance, with S. Matthew Liao (2006) arguing children have a right to be loved for several reasons, including love's necessity to a child's emotional and physical well-being. In fact, anecdotal evidence indicates many people who are able to escape the cycle of poverty do so in part because of strong, supportive family members (Rostow & Rostow 1992: 367).

Although it may be more controversial than the need for advocacy and love, children also require moral guidance. In an age where unconditional tolerance is the fashion, such an element for provision may seem controversial, but it is crucial in the development of an individual. The popular idea that youth should be empowered to act as their own moral authority ignores their inexperience and lack of framework to view and interpret the world. As adults, we have an obligation to equip children to one day make difficult moral decisions, and this can only be done by providing moral guidance.

A lack of moral guidance may be disastrous to the long-term development of the individual. ‘Social expectations’, Marvin Silverman (1977: 173) observes, ‘particularly when they are pervasive and long-standing, are an extremely powerful force in shaping human behavior. People tend to see themselves the way other people see them, and they tend to behave in a way that is expected of them’. This means moral guidance is particularly important for disadvantaged children since they may be growing up in communities whose expectations and norms may negatively impact their ability to make good decisions. As Isabel Sawhill (as cited in Rostow & Rostow 1992: 366) writes,

Once crime, dropping out of school, teenage childbearing, and joblessness become commonplace, they are likely to become more acceptable. Such a shift in social norms leads in turn to more bad behavior.

To study hard, to defer childbearing, to take a low-paid job, to marry one's girlfriend – these are not what most members of the [United States inner-city] community expect one to do. Indeed, those who respect traditional norms may even be viewed as ‘chumps’ or ‘losers’. Such attitudes may derive from a sense of frustration or even despair; once established, they can have powerful effects on behavior, especially among adolescents, who are everywhere notoriously responsive to peer pressure and who have few positive role models or restraining influences in inner-city areas.<sup>128</sup>

Such poor influences may be reinforced by popular culture. Gerald Jacobs (personal communication, 23 April 2010), a social worker with over a decade of experience in working with street children, argues the media, particularly music, has a large and negative influence on children, causing changes in speech patterns and self-perception. When these effects are not countered, increases in teenage pregnancy, violence, and other self-destructive behavior result.

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<sup>128</sup> To be clear, parents living in such places generally do not want their children to adhere to the community's negative norms. For example, a 1995 study on American children found nearly all low-income parents want their children to excel in school but do not know how to help their children do so (Zill, Moore, Smith, Stief, & Coiro 1995: 56). Thus, while negative behavior may be reinforced by the community at large, its reinforcement in the home may be due to ignorance as opposed to intention.

Yet while negative influences of the media are certainly unhelpful, so is a complete lack of moral guidance. Dr. Assefa Bequele (2007: 3), Executive Director of The African Child Policy Forum, observes children who head their own households are ‘likely to grow up deprived of the values and structures which give meaning to social and cultural life’ because of the lack of adult care and influence in their lives. While not academic, my three years of working with abandoned and orphaned children in Africa provides anecdotal data that supports such an assertion. One night, I sat with a 15-year old boy who had been abandoned by both parents at a young age. He lived in a homeless shelter for several years before finally being taken in by Lawrence House, a home for abandoned and orphaned refugee children in Cape Town, South Africa. ‘Kelli,’ he said, ‘it’s hard for me to know who I am because I had no parents to tell me who I am. I had no parents who told me what was right and what was wrong. I had to figure it out on my own, and that was hard. Kelli, that was really hard.’ While there appears to be a dearth of academic literature on this subject, this young man’s experience is not uncommon. Even in highly individualistic cultures such as America, who we are is largely comprised of the values and cultural practices we learn as children (how else would we learn to be so individualistic?). Thus, even if an individual chooses to rebel against such values and practices, that individual is still able to define himself in opposition to what he has been taught. A child who receives no moral guidance therefore lacks a crucial part of his identity, and it is thus incumbent upon society to ensure this does not happen.

To be clear – and to counter any reflexive accusations of ‘Western imperialism’ or ‘white racism’ – the argument here is not that children should be taught a specific value system but that they should simply be taught a value system and then equipped with the ability to judge its merits. The frightening alternative is a group of empty children desperately trying to grasp values from a celebrity, gossip-obsessed culture or one where the acceptability of welfare dependency (see Beck 1967: 275) reigns.

#### **IV. The indivisibility of these obligations**

While each of the obligations described in this chapter is distinct, they are also indivisible from one another. For example, food aid will not help a child if she contracts diarrhea resulting from poor drinking water, and free access to a quality education is not helpful if the child is too sick to learn properly (Gordon et al., 2003: 81). In fact, trying to achieve outcomes in one area (e.g., universal education or eliminating malnourishment) can be problematic since many factors conspire to create certain states (Devarajan, Miller, & Swanson 2002: 21). As a result, public



spending to achieve particular outcomes (e.g., only universal primary education) is, at best, weakly linked (*ibid*). Household characteristics, incremental costs of achievement (e.g., the higher marginal costs of reaching those in remote locations), the ability of civil institutions to deliver services (e.g., understaffed schools or hospitals), and poor data quality (which can lead to significant difficulties in even trying to understand the problem) may all impede the ability to achieve goals to overcome disadvantage and poverty (*ibid*). Thus, the actual implementation of each of the elements in providing an equality of opportunity to children will vary depending on the infrastructure and culture of the community or country.

## **V. Institutional care**

By definition, disadvantaged children come from homes or communities that are unable to provide all of the elements necessary to pursue an individual's particular conception of the good. That said, residential care and community support for these children is better than institutional care since native communities tend to provide better emotional support and institutional care tends to be more expensive (UNAIDS, UNICEF, USAID 2004: 20). However, in certain cases, institutional care may be necessary. For example, a 2006 Unicef report notes orphans who live in extended family households are often treated inferiorly to the children biologically related to the primary caregiver (13). Furthermore, many children living on the street tend to flee homes that are abusive, find the difficulties of street life preferable to those of their homes. If such treatment cannot be rectified, alternative living arrangements, including well-functioning institutions, need to be considered.

## **VI. Other obligations**

While it is important to provide children with each of the elements listed in this chapter in order to create an equality of opportunity for them, our longer-term obligation is to eliminate the root causes of such disadvantage. While many of the ideas listed in this chapter should assist in eliminating these root causes (e.g., providing a quality education will enable the individual to obtain a job that in turns allows him to provide his own child with a quality education), certain structural elements in society may still need to be addressed. For example, racism, caste systems, and government oppression can all prevent an equality of opportunity even when the elements discussed in this chapter are present. However, the elimination of such injustices encompasses obligations far beyond those we have only to children and is addressed elsewhere in literature. As a result, it will not be discussed here.



## VI. Fulfilling these obligations

Given the obligations specified in this chapter, how should they be fulfilled?

First, it is likely best not to fulfill them through direct resource transfers between people given that this tends to be very inefficient. At the same time, such obligations do not necessarily entail founding a new NGO. In fact, many people tend to start NGOs with substantial enthusiasm but burnout after a year given the unending needs of those they serve. Starting new NGOS also often leads to duplication of services, which forces NGOs to compete for scarce time and resources and is thus consistently cited as an issue (Mfecane, Skinner, Mdwaba, Mandivenyi, & Ned 2006: 46). Instead, it is likely best to work with existing NGOs. These organizations have expertise in the different elements discussed in this chapter and possess economies of scale in reaching people. Furthermore, they tend to be much more adept at addressing community problems (e.g., inadequate healthcare or sanitation) that would be nearly impossible for a single donor to address on his own. While such organizations can be improved (see Chapter 11), they are still the most efficient way to ensure an equality of opportunity for children.

### Financial donations

The level of wealth developed nations experience today is largely a product of economic cooperation, which has become indispensable due to the specialization of labor. The principles found within this can be used in creating an equality of opportunity for children. In other words, while NGOs can hold the expertise and actions for creating these opportunities, others can ‘specialize’ by fulfilling their obligations through financial donations to these NGOs. Such donations would be especially helpful since one of the largest obstacles NGOs face when fulfilling their mandates is a lack of resources (Bebbington, Hicky, & Mitlin 2007: 21).

A study on the poor’s giving patterns in southern Africa found people living in urban areas were more likely to give money while those in rural areas were more likely to provide time (Wilkinson-Maposa et al., 2009: 72). This is likely because people living in urban areas tend to have higher incomes but less free time than those living elsewhere. As a result, financial donations are not only a necessity for many NGOs but also likely the most convenient way for the ‘cash rich and time poor’ to fulfill their obligation of creating an equality of opportunity for children.

*Donations of time and expertise*

While financial donations are crucial to creating an equality of opportunity for children, time and expertise is also needed. First, time donations are necessary not only in easing the financial burden NGOs pay for labor costs but also because of the message it sends to the communities such organizations serve. As W.W. and Elspeth Rostow (1992: 369) write,

...voluntarism for purposes outlined here is likely if a sensible, business-like framework is created into which voluntarism fits. Voluntarism is, perhaps, the decisive force that will tip the balance if organized and sustained; for it carries with it not only supplementary potential reinforcement in programs of education, health care, local security, summer camping, etc. but also a message in credible form, without which this concept is unlikely to succeed: that those outside the ghetto want those inside to succeed. There is considerable evidence that many who live in ghettos do not believe this is the case. In fact, a not trivial minority believes whites are engaged in a conspiracy to destroy the black community via drugs, AIDS, police brutality, etc. ... It is important that the young in the ghetto – and their elders – feel the volunteer is part of a stable, sustained, joint societal effort to shift the odds in their favor, not engaged in a sporadic ego-trip.

Donations of expertise are also important, particularly since it can maximize benefits from financial and time donations. Many economists are at pains to stress that although resources matter, being able to convert these resources to desired outcomes is conditional upon proper management and expertise (see, for instance, van der Berg 2008: 19). Thus, donating expertise can make NGOs more efficient and enable them to use their resources more effectively (Nkomo, Skinner, Mdwaba, Mandivenyi, & Ned 2006: 61). Besides enabling NGOs to reach more people, such efficiency also increases donor confidence, which will likely raise future donations.

*Donations in-kind*

Finally, creating an equality of opportunity for children can also be fulfilled through donations in-kind. For example, a newspaper or other media outlet can donate 2 – 5% of its advertising space to non-profits, thereby allowing the latter to increase the number of potential donors it can reach. Such arrangements can provide NGOs with benefits that otherwise may be too expensive to access.

## **VII. Conclusion**

This chapter outlined the elements necessary to fulfill our obligation to create an equality of opportunity for children. Such elements are generally indivisible from one another and thus must be viewed holistically. Given the immense need in the world, the next chapter examines the limits to these obligations, and later chapters look at the feasibility of fulfilling them.

## Limits to Our Obligations

### Chapter 9

For Rawls, the idea of ‘moderate scarcity’ plays an important role in deliberating the principles for a just society, for if resources are abundant, no conflict will exist, and if resources are too scarce, negotiation is fruitless (Rawls 1971: 127). There are two issues when considering this idea of moderate scarcity. The first is to decide how best to distribute social and material goods in a society, and there is a prodigious amount of literature on this subject. The second is how to redistribute these goods. As several other chapters discussed, the world in which we live is one of unjust political, social, and economic systems in which social and material goods are unjustly distributed, even when it was no single agents’ intent to do so. Chapters 6 and 7 argued that in light of such knowledge, it is incumbent upon individuals to perform actions that ensure a more just distribution. But how far should these obligations of beneficence extend? Unlike the first issue of primary distribution, there is surprisingly little literature on how to redistribute these goods.

There are two aspects to this redistribution. The first one focuses on the beneficiary and what (s)he should receive to rectify the initial, unjust distribution. In the case of extending an equality of opportunity to all children, Chapter 8 detailed the goods (e.g., food, education, healthcare) these recipients should receive.

The second aspect of redistribution focuses on the benefactors. What is the extent of the obligations these agents are required to fulfill? Intuitively, it seems there is a limit to these obligations, for ‘humans are needy creatures, and one may worry that one’s life will be consumed with the difficult and costly tasks of providing protection and aid to others’ (Nickel 1993: 84). Yet the boundary of this limit is hard to define, if it exists at all. Although consensus exists in certain areas of morality (e.g. the wrongfulness of harming innocents), other areas of morality and ethics, especially those surrounding beneficence, continue to inspire significant debate (Murphy 2000: 3).

We are, of course, under no obligation to, in Michael Blake’s (2001: 293) terms, ‘maximize the world’s welfare’, yet, as Chapters 6 and 7 argued, we have duties to ensure that all children have

an equal opportunity to pursue their conception of the good life.<sup>129</sup> What are the limits of the obligations agents must fulfill to ensure this opportunity?

## **I. The problem of overdemandingness**

Both philosophers and non-philosophers often employ the idea of reasonableness in making moral decisions. Yet Thomas Nagel (1991) argues this notion, in the case of our obligations to the less fortunate, is inadequate since a sizeable gap may exist between what the poor may reasonably demand and what the rich may reasonably give. While, as Chapter 11 will show, enough resources exist to fulfill our obligations of creating an equality of opportunity for all children, the sufficiency of this collective wealth could still make any one individual's obligation too great, especially in our non-ideal world (an idea detailed in later in this chapter).

If a moral theory makes what can be considered excessive demands on its agents, it is deemed to be overdemanding. The problem of excessive requirements is that they can impede the acceptance or adoption of otherwise appealing moral principles (Murphy 2000: 16). Yet, upon examination, the idea of overdemandingness proves to be rather vague since efforts to support claims of excessive demands often serve to reinforce the status quo (6). In fact, limits to principles of beneficence generally ensure the welfare of the better off since they claim those who are more privileged should not experience too drastic a change in lifestyle in helping the less fortunate (Murphy 1993: 274).

All major moral theories, including consequentialism, deontology, and the common morality, struggle with defining the limits to principles of beneficence (272-273). In some cases, theorists have addressed these difficulties by embracing extreme demands of beneficence. For example, the optimizing principle of beneficence, a principle primarily found within the utilitarian tradition, demands that individuals continue to help others until all parties are equally well (or poorly) off (Murphy 2000: 10-11). Yet such extremes seem intuitively implausible, for they may simply serve to leave everyone equally miserable.

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<sup>129</sup> As with the previous chapter, it should again be noted that our obligations to children focus on the idea of an equality of opportunity, for any attempt to ensure material equality or an equality of happiness would be far more difficult, even on the questionable assumption that such obligations could muster solid philosophical foundations. As a result, this chapter focuses on limits to obligations regarding the creation and extension of an equality of opportunity to all children.

As with other ideas considered in this dissertation, globalization is changing the way we think of limits to our moral obligations. Part of the reason obligations are now so demanding is that technology has enabled agents to help almost everyone on the planet (127). As a result, we are no longer constrained by logistics to help only two poor families in our town. Instead, increasing wealth (and its accompanying rise in discretionary income for those living in wealthier nations), the media's ability to raise awareness of the amount of suffering in our world, and international NGOs mean our assistance now has the ability to reach almost any needy person worldwide. Liam Murphy (2000: 4) argues the objection that agents cannot help others because they do not know each other is empirically false. The large, multinational NGOs know exactly what is needed and have well-established processes that enable those in more affluent circumstances to easily assist with the organization's mission of helping those in need by giving either time, money, or expertise (*ibid*). On a practical basis, this has drastically increased our ability to fulfill our actual theoretical obligations and has thus made the need to understand the limits to our obligations more urgent.

## **II. Philosophical considerations for the basis of a limit to our moral obligations**

The notion of overdemandingness stems from the idea of loss or sacrifice. Because morality still struggles with the idea of individual beneficent obligations (see Chapter 6), our current conceptions of overdemandingness set the bar so low (i.e., it takes very little in terms of actual loss to the benefactor for us consider such duties overdemanding) that when agents actually do fulfill obligations of beneficence, rarely – if ever – does the sacrifice lead to any real loss. Instead, as Liam Murphy (2000: 100) points out, agents often sacrifice only a bit of 'pleasure, accomplishment, satisfaction, rest, comfort, and so forth'. Often, what the agents deems 'needs' are actually only wants and desires. This is especially unfortunate because for the beneficiaries, the 'needs' the agent is fulfilling are, in fact, basic needs necessary for survival or a minimum conception of a good life (see Chapter 8).

Thus, on the part of the obligors, the perception that a principle of beneficence can be too demanding is based on prior, external notions of entitlement, for we cannot sacrifice something that is not ours (Murphy 1993: 269-270). This is true not only of the possession of material goods but also of the ability to pursue personal projects, the latter of which may require a combination of material and time resources. If agents face no constraints on their ability to pursue personal projects, then the time and material resources required to fulfill obligations to others will always constitute a sacrifice, even if it is relatively small. However, if we do not have uncon-

ditional possession over our time and material resources, then a principle cannot alienate agents from pursuing projects if they are prohibited from such pursuits anyway (271).<sup>130</sup>

A simple principle of beneficence, the kind primarily found in utilitarianism, requires agents to perform the action resulting in the best outcome (268). Thus, this principle has no natural limits on the sacrifices required by agents (*ibid*). As a result, no matter how high the limit for the principle's demands on agents is set, it is possible that the simple principle will breach it (*ibid*).

Consequently, one way to limit the amount of sacrifice required of individuals is to set a baseline of the things to which the agent is entitled (Murphy 2000: 36). But to what are individuals entitled? The answer to this leads to the notion of rights, which, as discussed in Chapter 4, are incredibly controversial. In a related notion that differs more in semantics than substance, morality could determine a baseline of well-being for all individuals. A moral obligation would then only be considered too demanding if it imposed a loss that would place the agent below this baseline. Yet what is a baseline level of well-being? Again, this is an incredibly difficult concept to determine. Although Chapter 8 argued for certain entitlements in order for children to have the ability to one day pursue their conception of the good life, such entitlements set a very low baseline of well-being, and all benefactors affected by the arguments in this dissertation will most likely already possess them (e.g., a minimum baseline of food and shelter).

Liam Murphy (1993: 272) notes a principle of beneficence is generally only too demanding in cases of partial compliance; rarely, if ever, are the principles too demanding in cases of full compliance (i.e., more is demanded of a single agent if all agents do not comply). As Chapter 11 will explain, this is particularly true in the case of extending an equality of opportunity to all children. However, as will be detailed later in this chapter, we live in a world in which partial compliance is the norm, and it is thus important to explore limits to agents' moral obligations.

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<sup>130</sup> Constraints on an agent's ability to possess time and material resources are, to a certain extent, already in place. Income tax, the legal concept of eminent domain, and deed restrictions are all examples of state constraints on material resources. The state also places indirect constraints on individuals' ability to manage their time. For example, if an agent has a child, that agent must devote the time resources necessary to caring for that child. If (s)he does not, that agent can be held criminally liable for any neglect that occurs.

### III. Practical reasons for limits on moral obligations

There are both practical and philosophical reasons to place limits on moral obligations. The practical reasons, including donor fatigue, resource constraints, and beneficiary non-compliance, will be explored first.

#### *Donor fatigue*

Donor fatigue, a simple product of human nature, is one very practical – and very real – limit on moral obligations. The first way donor fatigue can develop is through the extent of the moral demands themselves. In an article discussing a just healthcare system, Solomon Benatar (1996: 1567) argues ‘there are moral limits to what we owe our fellow citizens’. Even a legal entitlement to a good (e.g., healthcare) is not sufficient if the time or material resources required of agents or institutions (which are funded by individual agents) to administer that good are too great (ibid). The same holds true in creating and extending an equality of opportunity to all children. Such an obligation, which this dissertation argues exists, will never be rendered if the obligors deem the obligations too excessive or demanding.

The beneficiaries themselves can also cause donor fatigue. We live in a world of great suffering and vastly unequal resources. Most adults, much less children, will always ask for more on the part of the donors, and individuals on both sides of the obligation can be selfish, even if unintentionally so. While this may, to a certain extent, be a product of human nature, it will, in all probability, generate donor fatigue and resentment. Setting a limit to moral demands for those operating on both sides of the obligation can be an important step in preventing or alleviating this issue.

Finally, the situation itself, through no fault of the beneficiaries, can cause donor fatigue. Just acknowledging the sheer amount of work that needs to be done can be tiring and overwhelming. Not only is the amount of work substantial, in the case of an equality of opportunity for children, it can be taxing. The depth of the deprivation, intensity of the suffering, and understanding of the injustice involved can take an emotional toll that should not be underestimated. If precautions are not taken and limits are not set, burnout can develop, a condition that can be difficult to remedy.

There are several ways to address these issues. The first is to ensure that the obligations, and the goals to which they aspire, are attainable. Ensuring that a goal is attainable impedes the devel-



opment of feelings of discouragement and disillusionment, both of which will significantly decrease the desire to fulfill obligations. On this point, it should be acknowledged that the proposals contained in this dissertation are not utopian and do not contain burdens so excessive that people would be unwilling to bear them. In fact, as Chapter 11 will detail, they are completely achievable.

Another way to address the issue is to continue to question and revise our notion of entitlement. As repeatedly stated in this dissertation, the current distribution of material and social goods is a result of centuries of unjust economic and social practices. A lack of understanding about this has combined with a strong sense of individualism in the West to produce a skewed sense of ownership over the goods in our possession. By educating individuals about this, it may change the way they view their moral obligations over the redistribution of material and social goods.

Finally, it will take patience for individuals to build the endurance to fight against donor fatigue. Many Western conceptions of charity view it as optional (see Singer 1985: 253). As a result, any charitable acts performed will be perceived as involving a greater cost than what is actually incurred. Like most forms of physical exercise, fulfilling beneficent moral obligations takes practice. Once agents become used to these acts, their ability to perform more will increase, not only because their efficiency will increase but also because perceptions about the cost of such acts will change.

#### Resource constraints

As discussed at the beginning of this chapter, we live in a world in which resources are moderately scarce, which means financial and time resources are limited. Certain agents may simply not have enough of either to completely fulfill their obligations. This may, in turn, discourage agents from attempts to meet their moral demands.

There are several ways to address this. First, it is important to note the principle of an equality of opportunity for all children will not make equal material demands on all agents. Agents' resources must be taken into account when determining their obligations. Secondly, these resources must be sustainably managed (Skinner et al., 2006b: 9). Thus, in addition to being good stewards of financial resources, we must also manage volunteers and employees' time and energy so that burnout, a common scourge among those involved with NGOs, is avoided. Finally, we

must change agents' perceptions of their resources (see Singer 2009), an idea discussed in the previous section.

*Beneficiary non-compliance or uncooperativeness*

The previous two issues – donor fatigue and resource constraints – primarily discussed the practical constraints obligors may face in fulfilling moral demands. Yet what if these constraints were surmounted, only to find that the intended beneficiaries either fail to fulfill their obligations or are uncooperative in doing so? For example, a community may find they are morally obliged to offer drug rehabilitation for addicts living there. However, despite the community's best efforts, most addicts refuse to attend the clinic. In light of such facts, does the community remain obliged to offer such services, or are there limits in the face of beneficiary non-compliance?

This question warrants a few interesting responses. The first is to ensure the type of assistance being offered is actually the type of assistance needed. Many well-meaning people have watched as their charitable schemes failed, unaware that, while the idea was correct, its implementation did not account for beneficiaries' realities. For example, donating a tractor to a poor farmer will not help if that farmer has no gasoline to run it or parts to replace those that wear out. Thus, such examples should serve as a reminder that we must create implementation plans that consider the context of where they will occur.

Secondly, agents can pressure governments into mandating beneficiary compliance. For example, a state may need to legislate compulsory school enrollment since not doing so may lead to discrimination in certain cultures.<sup>131</sup> Still, this option must be used with caution since there are cases when beneficiaries may have good reasons to not comply. As Amartya Sen (2009: 288) notes, we can ensure that all individuals have access to food, but that does not mean the government should ban fasting. In the case of education, school enrollment should be mandated only up to a certain age or level, after which the individual can decide whether to pursue further studies. As always, the need to encourage the enhancement of society must be balanced with a healthy respect for individuals' autonomy.

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<sup>131</sup> This is especially pertinent in cultures with substantial gender inequality (e.g., parts of the Middle East and Africa). In such cases, state legislation is an important step in ensuring educational equality between genders.

#### IV. Theoretical and philosophical reasons for limits on moral obligations

In addition to the practical reasons agents desire limits, there are theoretical and philosophical reasons such limits are necessary. The first involves the outcome of fulfilling such demands. The goal of any material or social redistribution is to ensure each agent is able to pursue his conception of the good life. As part of this, assistance should not create entitled, unproductive individuals but ones that are able to positively contribute to society.<sup>132</sup>

In specific instances, such as the one argued in this dissertation, in which individuals, not institutions, are called upon to fulfill obligations, there are several reasons to limit individual agents' capacity to take action. This is particularly true in the case of the state's monopoly on punishment and violence. For example, while individuals have an obligation to protect children, protection from particularly heinous acts, such as sexual or physical abuse, should be left to civil and political institutions such as the criminal justice system (e.g., police force, courts). Outsourcing these types of duties to the government is far more effective – both for the individual and for society – than trying to fulfill such obligations individually (e.g., mob or vigilante justice for child abusers is not as desirable as an effective court system since mob justice can and often does quickly deteriorate into chaos). In such cases, the principle of conferring a monopoly on violence and punishment to the state supersedes an individual's obligation to protect a child from such abuse.<sup>133</sup>

The purpose of this dissertation is to focus more on disadvantages in socioeconomic conditions and the level of love/care than outright abuse. Yes, we have obligations against outright abuse, but again, that is best left up to a functioning court system/civil and political institutions. There is a reason we allow the government to hold a monopoly on violence and punishment.

#### *The constraints of fulfilling imperfect duties in a nonideal world*

One of the largest moral issues in eliminating global injustice (e.g., oppression, hunger, poverty) is understanding whose responsibility it is to alleviate it (Pogge 2001a: 2). This is complicated in a

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<sup>132</sup> This phrase is used with caution because of its eugenic overtones. While there may be no one conception of what it means to positively contribute to society, it is recognized that such contributions are not always financial/economic. Furthermore, some individuals may have either the natural or developed abilities to contribute far more. Yet, despite such politically correct caveats, it is important to keep in mind that individuals should positively contribute to society, however that may be defined. If a large group of individuals was perceived to consistently be taking advantage of a system in which they played no positive role, societal relations would sour, and assistance to other, more needy individuals would quickly evaporate.

<sup>133</sup> In such cases, an individual can (and should) work within the constraints provided by the state, including reporting any suspected child abuse to the appropriate authorities.

world in which it is the collective action of many individuals that harms others, and imperfect duties make it difficult to rectify the harm that is caused. This section will examine the implications of the concepts of imperfect duties in a nonideal world and how that affects limits to agents' moral obligations.

As discussed in Chapter 7, the world in which we live operates under the Rawlsian idea of non-ideal theory, meaning a setting in which background institutions do not function in a perfect manner. Thus, individual agents have greater obligations of beneficence than they would otherwise incur.

Compounding this issue is the Kantian notion of imperfect duties. In *Groundwork of the Metaphysics of Morals*, Immanuel Kant (1998: 4:429-4:430) acknowledges four kinds of duties: (i) perfect duties to ourselves, (ii) perfect duties to others, (iii) imperfect duties to ourselves, (iv) imperfect duties to others. According to this conception of duties, a perfect duty means agents must always fully fulfill an obligation while an imperfect duty means they must sometimes and/or partially fulfill it. In other words, perfect duties are those in which the obligee and duty are precisely defined (i.e., I need to perform these specific actions for this specific person). Imperfect duties, on the other hand, are far more vague. For these duties, agents only sometimes owe the action to some people.<sup>134</sup> Charity is a perfect example of an imperfect duty. An agent may know, for instance, that (s)he should give a specific percentage of his income to help those in need. But given the amount of need in the world and the agent's own resource constraints, who should be the fortunate beneficiaries of his obligations? And is it better to fully help one person or partially help several people?

In a situation of guaranteed perfect compliance with a moral theory, agents would be assigned a specific amount of obligation according to some division of fulfillment of need. For example, if there were 10 children who needed to attend school and 20 agents with equal material resources who were assigned to help them, then each agent would pay half of one child's school fees. Yet this does not reflect the reality of our world. First, not all agents are either willing or able to fulfill their obligations. Secondly, in very few circumstances does such precise information exist

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<sup>134</sup> David Clinton (1993: 297) contends recipients of agents' charitable obligations are actually only incidental beneficiaries as agents pursue their personal project of fulfilling certain principles or trying to bring about their own conception of the ideal international order. This, however, seems implausible as it implies that all agents only pursue projects related to their self-interest. See Chapter 10, Section V for an extended refutation about this idea.

(e.g., X number of agents are each required to donate Y amount of resources in order to fulfill Z needs for these specific beneficiaries).

So how should agents fulfill imperfect duties in our nonideal world? Alas, Kant says little about how to discharge imperfect duties to others. Pauline Kleingeld (2000: 323) contends that such an omission is not an oversight, for Kant thought an agent's moral judgment played a critical role in fulfilling these types of obligations. In such cases, after the moral principle has been established, agents, to a certain extent, must use their own judgment to determine the extent and limits of the obligations they must fulfill.<sup>135, 136</sup>

That said, 'loosely specified obligations must not be confused with no obligations at all' (Sen 2009: 374). While the exact manner in which we discharge our duties to children allows room for an agent's judgment, the principle itself is firmly established (see Chapters 6 & 7). Chapter 11 will examine ways in which individuals may choose to fulfill these obligations.

#### *Obligations of beneficence: The collective vs. the individual*

There are two ways of viewing obligations of beneficence: (1) collectively or (2) individually (Murphy 2000: 96). If the obligation to promote the welfare of others is viewed as a collective obligation, then determining each person's share of this obligation is important,<sup>137</sup> and compliance is a crucial part of the theory (ibid). If, however, the obligations are viewed as individual obligations (even if an entire group has them), then the concept of a fair share is not important, and we should not be as concerned with others' compliance and how that affects our own actions (ibid).

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<sup>135</sup> It is important to note such limits may still be subject to the reconsideration of the notion of entitlement described in the previous section.

<sup>136</sup> Thomas Scanlon agrees with the use of judgment in fulfilling moral obligations. In *What We Owe Each Other*, he concedes it is difficult to determine limits to moral obligations of beneficence, and the moral theory of contractualism, which he supports, does not explicitly draw these lines (Scanlon 1998: 224-225). As a result, he contends that an agent's judgment is necessary to determining these limits (225).

<sup>137</sup> In the case of extending an equality of opportunity to all children, it would be fairly simple to determine each agent's share of the responsibility. As Chapter 11 will explain, the United Nations and other NGOs have already expended a tremendous amount of time and effort to understand the cost involved in many of the areas detailed in Chapter 8 (e.g., food, healthcare, education). It is also likely that we can determine not only the number of agents incurring obligations but the general nature of the resources each agent possesses. Armed with the two most critical pieces of data (i.e., costs and resources), a sliding scale could be developed to determine each agent's share of the total obligation.

Liam Murphy (1993: 287), one of the few theorists who has extensively examined limits to moral obligations, views beneficence as a cooperative aim among a group of people instead of an individual aim by any given person. As a result, he argues that obligations are costs to be divided among agents, with morality demanding no more of each agent than to perform his fair share (Murphy 2000).

Yet this conception seems incorrect. The beneficent obligations proposed in this dissertation are, at their core, individual obligations that are owed to others. If there are only two people on an island and one of them is suffering, assuming non-extenuating circumstances (e.g., person B is not suffering as a result of person A harming him in an act of self-defense), the first person likely has an obligation to help the second one. If these two people suddenly became 200, half of whom were ill, the other half would still have obligations to provide assistance. With their number greatly increased, the healthier half may be able to more efficiently help those who are ill (e.g., create triage units and build expertise in treating the sick patients), but the obligation to do so did not suddenly become a collective one after magically crossing a number. (And what number would that be? 2? 22? 50?) The obligations remain, at their core, individual ones.<sup>138</sup>

One exception to this argument may be if a group of people devised and implemented an arrangement that systematically enriched the creators at great expense to other participants in the system. In this case, it could be credibly argued that the group, in their capacity as a group and not as individuals, is obliged to revise the arrangement in order to make it more just. Yet, even in this instance, a strong case can be made that the obligations to change the system are still, at their core, individual ones, even if every member of the group should work to fulfill them. Why? Because an agent's participation in the system means he is personally responsible for his contribution to it. As a result, fulfilling his obligation to change the system is not dependent upon everyone else fulfilling their obligations, too. It is incumbent upon the agent to remove the injustice because he participated in it, although his actions will obviously be more effective if the other agents also act to revise the system.<sup>139</sup>

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<sup>138</sup> This example relates to the discussion found in Chapter 4. Arguing large-scale obligations are collective ones implies the collective (or, in the case of Chapter 4, the government) is something apart from the individuals who comprise it. While, as the example shows, a large group of individuals may be better positioned to fulfill these obligations through cooperation, they remain exactly that, a group of individuals. The collective is nothing apart from the individual and thus would not incur or discharge obligations differently than the individual would.

<sup>139</sup> We already hold this notion to be true in criminal law. If a group of individuals commit a crime (e.g., four men commit assault or a group of executives defraud investors), they are tried individually be-

It seems obvious that the greater the number of people fulfilling their obligations, the lesser each beneficent individual's sacrifice (Murphy 2000: 12). Liam Murphy argues each beneficent individual's sacrifice would be quite modest in a world of full compliance (*ibid*). Unfortunately, because our world is one of imperfect compliance, especially in the area of obligations of beneficence, the agents who do comply often make significantly greater sacrifices than would be necessary in circumstances of greater compliance (Kagan 1989: 362). Yet even in these cases, the vast majority of individuals do not appear to reach the upper limits of what morality demands. In fact, it seems virtually impossible that agents will ever give all that morality demands, an idea explored in the last section of this chapter.

Still, given our world of only partial compliance, Liam Murphy (2000: 76-77) argues agents are not obliged to sacrifice more than would be required if all people fulfilled their obligations of beneficence. However, he acknowledges such a position is not 'free of intuitive difficulties' (Murphy 1997: 80).<sup>140</sup>

Murphy's notion of fair share and its accompanying lack of moral demand to go beyond it is too focused on the agent and appears to neglect the reason the obligation exists: the beneficiaries. In the case of extending an equality of opportunity to children, it seems far more unfair to allow children to bear the burdens of non-compliance than the agents who are better positioned to do so. In the most extreme cases involving lack of nutrition and medical care in the least developed nations, children can die due to the limitations of these moral demands. That seems far more unjust than the notion that agents may be required to fulfill obligations beyond those that would exist in a world of perfect compliance.

Finally, this idea that obligations are collective, not individual, implicitly bases the idea of beneficent morality in notions of the crowd. Yet, as previously noted, morality is not a collective undertaking. Moral obligations are, at their most basic level, individual ones, because it is incum-

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fore a court of law. Although each individual is held liable for only the extent of his participation, his guilt or innocence in perpetrating it is generally not dependant upon the group as a whole.

<sup>140</sup> Peter Singer (1985: 251) argues the limits of moral obligations cannot be based on what would occur if responsibility were divided equally among all those agents who should render assistance. Instead, because it is already recognized that not everyone will help, the remaining agents are obliged to do more than their 'fair share' (*ibid*). Thus, the concept of a 'fair share' is based upon a false premise since it is already known that all agents will not fulfill their obligations. As a result, the remaining agents actually incur obligations that are larger than they would be if the responsibilities were divided more equitably (*ibid*).



bent upon individuals to perform the actions necessary to fulfill them. Thus, the idea that collective obligations are anything other than the aggregate obligations of many individuals would disregard the very elements that comprise them.

## **V. General notions about the idea of limits to moral obligations**

In his article ‘Contractualism and Global Economic Justice’, Lief Wenar (2001: 76-77) recounts the debate surrounding the continual question of the limits to our charitable obligations. As shown in this chapter, it is a difficult line to draw, although even eminent philosophers such as Peter Singer (2009) and Thomas Scanlon (1998) have tried.

Like Liam Murphy, Shelly Kagan is another theorist who has made serious attempts to answer questions on limits to beneficent obligations. She argues limits of morality assume a *pro tanto* reason to promote the good (Kagan 1989: 387). In other words, morality’s ultimate aim is to produce as much good as possible, with the concept of ‘good’ quite vaguely defined. However, if the aim is to promote the most good, then the limit would be the point at which actions begin to detract from that good.

Kagan argues the heavy sacrifices involved in creating the most overall good do not mean agents should push themselves to exhaustion, for that exhaustion would then fail to produce the most overall good (7). Yet even with this seemingly obvious caveat, it remains unclear where the limits to beneficent moral obligations lay. To use Kagan’s example, two people may have very different definitions of exhaustion, which would again return us to the problem of vague limits. Furthermore, as stated earlier in this chapter, given the low baseline set for limits to our moral obligations, an agent’s perception of the cost involved in fulfilling an obligation will likely be far lower than the actual cost involved. Should this be the case, agents will argue for limits substantially lower than they are actually capable of fulfilling. As a result, the limits to our obligations remain unclear.

This problem is compounded by the notion of marginal utility. The concept of marginal utility addresses the benefits gained or costs incurred per additional unit gained or spent. For example, a person with no money will derive significantly more benefit from \$100 (i.e., they will have the ability to buy that week’s groceries and pay that week’s rent) than a person who already has \$1 million (in which case the extra \$100 is essentially meaningless). Applied to the extension of an equality of opportunity to all children, if an agent with substantial material resources determines



(s)he is obliged to help no more than 100 children and can make a significant difference in their lives (e.g., provide immunization shots that will substantially decrease their risk of dying before the age of 5) in doing so, if the cost is only \$5 per child, can the agent justifiably say no to the 101<sup>st</sup> child, especially if the child's risk of contracting the illness was especially high? In this case, the utility the child gains (i.e., in this extreme example, her life) is almost immeasurably more than the marginal loss to the agent (e.g., his morning latte). And if the agent decides to extend his assistance to the 101<sup>st</sup> child, then what about the 102<sup>nd</sup>? Or the 103<sup>rd</sup>? Cases such as these reinforce the notion that limits are difficult to define.

#### *A non-compromising standard*

As noted earlier in this chapter, moral demands on agents must consider their time, resource, and emotional constraints, for failure to do so may lead to either agents' burnout or their outright rejection of the moral principles involved. Yet any attempts to find the balance between agents' ideal obligations and the ones they are prepared to perform must not be based on the low standards morality has currently set.

Unfortunately, one of common morality's defining features is that it does not demand sacrifices deemed too great (Kagan 1989: 2). In fact, the sacrifices it requires 'tend to be rather modest and limited' (3). Shelly Kagan implies this feature is a critical weakness of the common morality and not philosophically supportable. According to Kagan, the 'ordinary morality', which appears to mean what in this dissertation is referred to as the 'common morality', has two kinds of limits (preface). The first limit is imposed by morality and dictates the actions we cannot do (e.g., hitting a person without provocation) (ibid). The second limit is one people tend to impose on morality, arguing that morality cannot require actions beyond a certain sacrifice threshold (ibid).

Based on this, Kagan argues constraints on what morality can demand must be supported by (1) a relevant kind of reason that is (2) sufficiently strong to oppose counter reasons and (3) meets conditions for moral decisiveness (197). She then focuses on the first criterion and argues it cannot be met (183-197), with the implication that because this criterion cannot be met, beneficent demands have no natural limits. Such a position means moral demands of beneficence can justifiably require sacrifices that are extremely high.

When faced with such a position, many critics assert that making morality too demanding will cause people, discouraged by constant failure, to not attempt to live by any of its requirements.

Yet Kagan is skeptical of this ‘all-or-nothing attitude’ and implies there is very little evidence of it in everyday life (35). Her position appears to be true. Many people, knowing it is better not to lie, still pepper their day with such transgressions; however, these same agents will refrain from physically harming innocents and stealing large sums of money from their workplace. In other words, agents already operate under a system to which they do not perfectly adhere, yet there is no evidence they have abandoned morality all together. Such attitudes also appear in more demanding areas of obligation such as charity. While agents will often lament they do not do as much as they should, they rarely refrain from doing anything at all.

Kagan also responds to those agents who appeal to the cost of a sacrifice as reason to not undertake it. As discussed earlier in this chapter, agents generally define the cost of a sacrifice in terms of their interests (i.e., what they want to do/promote/bring about) (233). Here, ‘interests’ is a function not only of self-interest, meaning overall well-being, but also includes any outcomes the agent may want to affect (e.g., cancer research, animal welfare rights) (234-235, 241). In such cases, Kagan (232) argues the mere fact that a sacrifice is costly is not a strong enough reason avoid it; instead, we must know why that cost is unjustifiable given its outcome. Interestingly, she notes many people who make significant sacrifices for others often report, morally speaking, they felt they had no choice (311).<sup>141</sup>

Finally, a few theorists try to limit demands placed on agents by invoking the concept of internalism, which is the idea that moral obligations must be able to motivate agents to act (277). It is, however, a controversial theory that most people reject (ibid), and rightly so. Such an idea would generally need to resort to the concept of self-interests, which, as discussed in Chapter 10, does not seem intuitively or philosophically supportable.

Thus, attempts to place limits on the demands of beneficent obligations must not compromise with moral laziness or the low baseline set by the common morality. Instead, such demands must account for the financial and emotional constraints of agents while finding supportable, philosophical reasons to support their limits. Doing so is an important theoretical step in moral philosophy.

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<sup>141</sup> This could be a function of vividness, a concept further explored in Chapter 11. Vividness means an agent understands the true nature of a situation (e.g., the pain involved when children do not eat). In such cases, vividness produces a better appreciation for the costs and benefits involved and thus clarifies choices in a manner that detached knowledge (e.g., reading about disadvantaged children in an NGO’s marketing brochure) does not.

## VI. Application of the ideas surrounding the limits to moral obligations

Given the ideas contained in this chapter, what are the limits to agents' moral obligations to extend an equality of opportunity to all children?

Before answering that question, we must again recognize the limits we are addressing. In this case, how much can agents be required to sacrifice in order to equip children, particularly disadvantaged ones, with the social and material goods (e.g., food, shelter, education) necessary to pursue their conception of the good life?

### *Questioning the common morality*

The first step in determining the limits to our obligations to children is to question our commonly held constraints and assumptions, an idea touched upon elsewhere in this chapter. Liam Murphy (2000: 68) argues our conception of the role morality should play in our life often simply reflects the role it does play. In other words, the common description of our limits to morality will often inform the prescription of what they should be. We must question this cycle.

As discussed earlier in the chapter, we must also reconsider those things to which agents are entitled. This is important for two reasons. First – and again, this was touched upon earlier in this chapter – we must acknowledge that many of the material goods we possess are the result of relations that resulted from and result in unjust distributions of social and material goods. While this knowledge does not mean we simply calculate the amount of goods agents own as a result of such relations and require they write a one-time check to redistribute them – a calculation that the economic establishment seems to consider nearly impossible – it does mean agents must reconsider the way they think about these goods.

Secondly, reconsidering the goods to which agents are entitled will also allow for a better comparison by which to assess moral demands (see Murphy 2000: 54). Because of the currently low baseline for moral demands, any claim that requires more than a minimal act from an agent will be considered extreme. Thus, by reassessing the baseline to what we are entitled, we can gain a more accurate understanding of the demands of our moral obligations to children. When properly assessed, the claims may seem far less demanding than they otherwise would be.

In assessing a theory's demands in relation to some baseline of claims, we should also be cognizant of the effects of different theories on the beneficiaries. Currently, we tend to view the

problem of overdemandingness as something only experienced by beneficent agents (Murphy 2000: 54-55). Yet we must also consider the recipients, for they may reasonably claim some moral theories are too demanding because such theories leave them (i.e., the recipients) substantially worse off (55). For example, theories holding only formal equality of opportunity is necessary will close off many conceptions of the good to the poor and thus ensure repeated cycles of poverty for those individuals. As a result, it is important to find a balance between the claims a theory makes on both benefactors and beneficiaries.

Finally, and most importantly, we must reconsider what we deem to be the constraints common morality places on obligations benefactors must bear. This dissertation will, superficially, appear to contain a glaring discrepancy, for while it grounds an argument for extending an equality of opportunity for children in the common morality, it dismisses the low baseline for claims of beneficence this morality sets.

Yet this is not actually so. What many theorists deem to be common morality's limit for obligations of beneficence is actually a reflection of the popular morality.<sup>142</sup> The common morality, on the other hand, appears to contain no agreement on the constraints on beneficence. Although most theories find intuitive plausibility for limits on demands of beneficence, there is no consensus on what this should be. As discussed earlier, utilitarianism, particularly its optimizing principle of beneficence, places very high limits on our moral obligations. Social contract theory, particularly Rawls' justice-as-fairness, if implemented fully, would likely also place much higher limits than are found in the popular morality. Deontology's position on these limits is less clear, yet if we fully reflect on the implications of Kant's Categorical Imperative, it seems these limits would be far higher than the popular morality deems necessary.

Thus, common morality has little to say about the limits on our moral obligations to others. The popular morality on the other hand, with which is it often confused, has set limits on these obligations, but they appear to be arbitrary, based on a rather lamentable combination of the natural laziness found in much of popular morality and a lack of agreement on the subject among the other major moral theories as opposed to any serious attempts of critical reflection on the matter. This is an area that should be considered a priority for future philosophical research.

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<sup>142</sup> Refer to Chapter 7 for the distinction between the common and popular moralities.

*Conclusions on the limits of our moral obligations to children*

If a principle of beneficence should be included in a moral framework, it is important to understand the extent of that principle's demands upon agents (Murphy 1993: 267). Given that common morality, the theory in which this dissertation grounds our moral obligations to children, has little to say on the limits to these obligations, what are we to do? Where should we place them?

At the extreme, there is no reprieve from this limit (Kagan 1989: 19). In these cases, the pursuit of the good 'pervades an agent's entire life – all aspects, every moment' (ibid). Yet most people – and, intuitively, this does not seem philosophically unsupportable – desire a limit, a place that, in a world of such crushing need, provides protection from the constant demands of time and energy to help others, a place that provides agents with the space necessary to pursue their own conceptions of the good, even at the (not unreasonable) expense of others (ibid).

It is difficult to establish a constraint on moral obligations, yet it seems equally as troublesome to argue these constraints do not exist. As this chapter has discussed, both reason and intuition appear to call for limits even if it remains unclear where they lay.<sup>143</sup> However, it seems obvious that these limits are far higher than is currently recognized by the popular morality. In fact, the limits of our duties to others are likely so much higher than what is currently undertaken that such limits will not be further probed in this dissertation. For example, given the differences in standards of living between developed and developing nations, it is not unlikely that 20 – 30% of income could be transferred between these two segments. Yet, as Chapter 11 will explain, less than 5% of income in the developed world is given to charity, with very little of this going to the poor. Thus, with such a large gap, it is better to focus our efforts on the practical barriers to increasing the 5% than on what the theoretical limits may be. Should encroaching limits actually ever be-

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<sup>143</sup> Intuitively, it also seems likely there remains a distinction between the obligations called for in this dissertation and supererogatory acts, meaning ones that extend far beyond the demands of a particular principle. While one extreme is for an individual to only act in a self-interested manner, the other is to pursue nothing but charitable acts. For example, a recent article in *The New York Times* reported on a woman who sacrificed her business and fiancé in order to help Congolese women recover from some of the trauma (e.g., war, rape, massacre of family members) of the continuing war in their country (Kristof 2010). The woman donated all of the money she raised to these women and was in danger of becoming impoverished if she continued to do so (ibid). Most theorists would argue such sacrifices extend far beyond the demands of morality, and that is likely the case. (Interestingly, the idea of vividness, which is discussed in detail in Chapter 11, appears to have played a major role in the woman's decision to sacrifice so much. Having visited these Congolese women and witnessed their suffering first hand, she understands the situation – and the relief her money brings – far better than she otherwise would.)

come an issue, that would be welcome news, and again, an area philosophers could explore in the future.

This answer will not satisfy those who like precisely defined limits and acts, for such boundaries make understanding our obligations an easy, clean process. Yet such a mentality does not reflect the messy, complex world in which we live. Again, the obligations argued in this dissertation are imperfect duties in a nonideal world, and both the relative facelessness of those in need as well as substantial agent noncompliance with this principle mean limits cannot be determined easily.

Thus, we must first recognize that our obligations are not binary but exist on a spectrum. This is true in both determining how much donors must give and how eligible potential recipients are for these goods. On the recipient side, Beitz (2001: 112) argues ‘there is no clear or sharply defined threshold of ‘serious deficiency’ above which a concern to improve a person’s material conditions simply ceases to operate’. On the donor side, we must follow Kant’s thoughts surrounding imperfect obligations, meaning we must, to a certain extent, allow each agent to make the decisions about how best to discharge his duties. This, of course, employs the concept of *phronesis*.

*Phronesis* is an Aristotelian concept involving practical wisdom, or the capacity/power for understanding how to employ moral principles in actual situations. It is used to find the balance between deficit and excess and is largely exercised in situations containing no obvious answers. Agents who need to fulfill their obligations for extending an equality of opportunity to all children find themselves in exactly this type of situation. As a result, they should use *phronesis* in deciding how best to discharge their duties. However, they are not without guidance. Chapter 11 will examine how agents can best fulfill their obligations.

## Objections to Individuals' Special Obligations to Children

### Chapter 10

Although the ideas contained in this dissertation revolve around moral philosophy, they directly address issues in politics, economics, sociology, and psychology. As a result, objections to its ideas are abundant and originate from several fields. This chapter will address the most common objections, particularly those that are philosophical, political, economic, and personal.

#### I. Moral/philosophical objections

Because the arguments contained in this dissertation are primarily philosophical, this chapter will first focus on objections from this discipline. The objections falling under this category tend to be raised against many ideas in moral philosophy, and the most common ones are thus addressed here.

##### Objection: Disadvantaged children are political, not moral, issues

Rüdiger Bittner (2001) argues world hunger is a political, not moral, issue because morality can only be invoked when (1) an individual is close to the affected people and (2) the culprits of the breach of morality can be identified. In world hunger, the people involved are usually far removed from those with the means to alleviate it, and it is nearly impossible to identify the agents in the complex economic, political, and social system in which we live. Thus, by Bittner's own admission, a position that world hunger should be eliminated is merely a preference (30-31).

Using Bittner's criteria – distant victims and no easily identifiable culprits – such a charge could also be levied against the argument that individuals must help disadvantaged children gain an equality of opportunity in life. Yet such an argument does not withstand scrutiny. First, Bittner fails to build a solid case on why breaches of morality must have identifiable agents to be categorized as such. Indeed, as this dissertation argues, certain states of being (e.g., hunger, lack of opportunity) are unjust even if it is hard to identify their exact causes. Still, an inability to identify the agents involved in causing this dismal state of affairs does not alleviate our responsibility to correct it. As this dissertation argues, we have an obligation to provide an equal opportunity for everyone regardless of how this state of affairs arose. That means we may need to change political structures (e.g., legislate the recognition of equal moral status) in order to provide lasting

solutions, but these solutions do not arise from mere preferences. Furthermore, while we pursue these larger solutions, we must, in the interim, undertake more direct intervention (e.g., feeding people directly with our own funds) since, as Chapter 4 argued, we cannot outsource an obligation if the entity to which it is outsourced fails to fulfill it.

*Objection: The ideas contained in this dissertation are too demanding of people*

One of the most consistent objections to the ideas contained in this dissertation is that they are simply too demanding upon individuals in more privileged positions (see Gosepath 2001: 155). Such a criticism is quite common in moral debate, and this may be due to the ‘special force that moral criticism seems to have’, particularly for the person being criticized (Scanlon 1998: 269). There are two reasons for such force: (1) It puts the person being criticized on the defensive since they must explain why such criticism is untrue or to adjust their position in light of it and (2) the criticism specifically addresses how the agent interacts with others, so that any agent who cares about these interactions will want to address them (275-276).

Because of the pervasiveness of this objection, many well-known philosophers have already effectively responded to it. Christopher Wellman (2000: 560, emphasis in the original) counters ‘while every moral theory should strive to explain why an agent *ought* to be motivated to perform her duties’, there is ‘no reason to accept that a moral theory must explain why agents *will* be so motivated’.

Peter Singer (1985: 255) also finds arguments that the morality we propose must be something most people can actually live by (i.e., that the obligation is not so great a person cannot reach it) generally unconvincing. While he agrees our moral obligations should not be too onerous, he thinks that much of this is an empirical question, not a moral one (ibid). Furthermore, he argues that it does not account for the effect general moral standards have on people’s actions (ibid). If more stringent, albeit still reasonable, moral norms were more pervasive, people would be likely to continue to meet them (ibid). As a result, Singer argues an extreme revision of our current conceptions of morality is not nullified simply by the fact that most people will not immediately accept revising such moral norms: ‘But given that I did not set out to present a morally neutral description of the way people make moral judgments, the way people do in fact judge has nothing to do with the validity of my conclusion’ (254).



In fact, such a criticism may reveal more about the person's view of humanity than the argument itself. After all, Thomas Scanlon (1998: 289) contends a person who is unable to understand or appreciate the force of a moral reason is not immune to moral judgments of character stemming from that reason. Thomas Pogge (1988: 246) succinctly captures this idea:

It is also possible – though never knowable – that whatever improvements are feasible will never take place: Perhaps it is naive or Utopian to hope that any future world will better accord with a Rawlsian conception of global justice. But this is not an indictment of that conception, but of ourselves. Realism hardly requires that principles of justice must conform themselves to the prevailing sordid realities: We don't feel justified to give up our ideals of domestic justice or personal honesty just because we despair of achieving them fully. We cannot reasonably demand of moral principles that they vindicate the status quo.

Thus, it is not only acceptable but, due to the unjust structure of the current world order, often necessary that our principles of justice push beyond what is currently considered tolerable to demands that produce the just society morality requires.

*Objection: Moral obligations do not extend beyond the confines of an agent's community*

One of the most frequent criticisms of Rawls' *The Law of Peoples* is his insistence that an obligation to build a just society does not extend beyond international borders. Yet such a sentiment is quite common. Many people – particularly those who have not undertaken serious reflection on the matter – consider ethnicity or nationality a moral truth and suggest that while obligations of non-maleficence may extend to everyone, obligations of beneficence extend only to those within the confines of certain borders, whether they be the geographical borders of a country or the intangible borders of ethnicity.

Building upon Hume's arguments for the bonds produced by parents' love for their children and empathy close relationships engender, Mary Anne Warren (1997: 76) contends it is psychologically natural for humans to be more concerned about those within their community than those who reside outside of it. Yet – and Warren implies this – what may be psychologically rational may not be morally right.

As Chapter 6 detailed, nationality is utterly arbitrary, so restricting moral obligations to its borders is immoral. It is also, as described in Chapter 5, against our self-interests. Assisting disadvantaged children in other nations should eventually increase the quantity and quality of

labor, which should, in turn, have a positive effect on that nation's economy. Because the world's economy is not a zero-sum game, gains made in one country often leads to gains in another (Sachs 2005: 16). As a result, extending moral obligations to create an equality of opportunity beyond arbitrary borders is not only moral, it is also pragmatic.

Objection: The overemphasis on economic pursuits

A misreading of the specific obligations to children detailed in Chapter 8 may conclude this dissertation argues children must be prepared to do as well in the workforce as possible and thus emphasizes materialism and consumerism above all else. This is not so. Instead, our obligation to children is to enable them to be able to understand and pursue their own conceptions of a good life. This requires a certain amount of education and the means (e.g., good health) to obtain it. While some individuals may then decide their conception of a good life involves a high-powered career, such a decision would be the by-product, not purpose, of the arguments in this dissertation. Furthermore, many other individuals may find their conceptions of a good life may be more modest, placing more emphasis on leisure time or personal relationships than a career. As long as neither conception violates the principles of morality laid out in Chapters 6 and 7 (e.g., these conceptions still ensure that others also have an equality of opportunity), both are equally acceptable.<sup>144</sup>

## II. Political objections

The second class of objections to this dissertation is political in nature. These objections either agree with or do not assess the idea of an equality of opportunity and instead focus on the nature of governments' involvement in it.

Objection: Global redistribution is pointless since political culture is the largest determinant in a country's wealth

Since the publication of Rawls' *The Law of Peoples* in 1999, some people have latched onto the idea that a country's political culture, not resources, is the most important factor in determining economic wealth. Under this objection, there can be agreement that redistribution and the creation of an equality of opportunity is moral but disagreement that it will actually make a difference (Beitz 1999: 524). Instead, because a country's wealth is primarily influenced by its political and/or cultural landscape, assistance from outsiders is, at best, a secondary consideration and, more likely, nugatory (ibid).

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<sup>144</sup> *The Law of Peoples* contains a similar line of thought. According to Rawls (1999: 117-118), assuming two societies are both just and free, it violates no principles of morality for one to be richer than the other if those riches were accumulated as a result of differences in preference, not unjust structures or interactions.

Yet the examples Rawls (1999: 108-111) uses to underpin his arguments are contentious. Wilfried Hinsch (2001: 68-70) rejects Rawls' argument, contending the two examples Rawls employs to defend it (i.e., Japan and Argentina) are not representative of the actual global order. Even if the examples were more representative of current political and economic interactions, Hinsch is still unmoved by the argument as he finds it relies on a misconception of the amount of productivity that is due solely to one agent (which, on a domestic level is the individual but on an international level may be a country) as opposed to the entire economic system in which that agent operates (71). Charles Beitz (1999: 525) agrees, contending engagement with the world economy can exacerbate domestic issues and is thus not an innocent political bystander.

Two examples appear to support this idea that the international economy plays an important role in a country's domestic landscape. First, conflict diamonds (a.k.a. blood diamonds) are well known to fund domestic wars by providing the cash necessary to buy weapons and fund conflicts. When funds from the sale of gems are used in such a manner, international buyers cannot consider their demand for the jewels to be innocent of its repercussions. Oil is another example. Several nations – including Iran and, until recently, Libya and Iraq – used their vast oil wealth to maintain highly repressive political regimes. While a critic may say Norway's oil wealth is an excellent counterexample and strengthens the case for political culture being the most important factor, one again cannot disentangle the demand for resources from the use of the funds to buy them. In this case, it is theoretically possible for a more just government to be in power if Syria's current government could no longer fund its repression from its sale of oil. As such examples show, a country's political culture cannot always be separated from the proceeds used to keep it in power, which means outsiders may still bear responsibility for the consequences of a country's domestic landscape.

*Objection: Private charity weakens governments' resolve to fulfill their obligations*

As detailed in Chapter 4, many philosophers, sociologists, and activists, among others, argue it is governments', not individuals', duty to fulfill rights and obligations to the less fortunate. Some who adhere to this view further argue private charity weakens governments' willingness to help and should thus not be performed (see Kent 2005: 124-125).

There are three reasons to reject this objection. First, as argued earlier in this dissertation (see Chapters 4, 6, and 7), it is individuals, not governments, who incur obligations to others and thus

nonsensical to assert private charity weakens government fulfillment. Secondly, as documented extensively in Chapter 4, governments are generally unwilling or unable to fulfill any perceived obligations anyway, so in the absence of private charity, those in need are left with no recourse but to fend for themselves. Finally, governments are even less likely to provide charity if they detect a lack of constituent interest, which will likely be measured by how much these constituents give privately (Singer 1985: 257).

### **III. Economic and feasibility objections**

The third category of objections addresses the economic and practical aspects of the creation of an equality of opportunity. Critics with these objections may agree with all of the theoretical aspects of a creation of an equality of opportunity for children but argue that it is impractical for various economic or logistical reasons.

#### *Objection: The implementation of an equality of opportunity is too expensive*

Creating an equality of opportunity for hundreds of millions of children sounds, on the surface, like a monumental task that requires more resources than the world holds. However, Chapter 11 provides a high-level overview of such costs, and its total is less than the aggregate annual private charitable giving in the United States alone. Furthermore, such figures do not account for the immense savings a better economy and more educated society engenders, particular in terms of savings in the criminal justice (e.g., courts, prisons, insurance) and social (e.g., food stamps, unemployment insurance) systems. Again, Chapter 11 provides a more detailed rebuttal to this objection and thus will not be recounted here.

#### *Objection: The Malthusian argument*

In an astonishingly curmudgeonly and seemingly xenophobic article, Garrett Hardin (1974) argues the earth's assets are limited and those in wealthier nations should thus not send their resources to assist those in the poorer ones. Instead, allowing the poor to suffer will restore the population balance (i.e., many people will die and those who remain will again have sufficient resources) (ibid). Should the rich world ignore this advice and continue to send aid, poor nations will continue to 'rapidly breed', thereby further exacerbating the problem (ibid).

Forty years later, polite company would dare not phrase such notions so tactlessly, yet the sentiment is not wholly uncommon and thus must be addressed. Besides the moral issues a Malthusian position entails (see Chapters 6 and 7), it ignores substantial empirical evidence. Writ-

ing in 1974, Hardin predicted the Green Revolution would not be successful, a stance which history proved radically incorrect. Even now, the planet actually yields more than enough calories to feed everyone, although most of it is diverted to producing more expensive types of food such as beef (Singer 2009: 121-122). Hardin's argument also ignores other important facts, such as how fertility rates rapidly decline as women become more educated (see Population Reference Bureau 2010: 4). Thus, taking such a harsh position to those who are less fortunate not only violates the principles of morality and compassion, it also lacks a solid empirical basis.<sup>145</sup>

*Objection: Poverty is an economic necessity of capitalism and thus cannot be wholly alleviated*

Many people in both the pro- and anti-capitalism camps (although more so in the latter) believe poverty to be a necessary by-product of capitalism and conclude poverty cannot be eliminated in a capitalist society. If this were true, it may not be helpful to create an equality of opportunity for children since many would be doomed to remain behind anyway. However, such claims are based on a misunderstanding of basic economics.

Marxists (not to be confused with Marx himself) argue capitalism engenders an unjust distribution of wealth internationally since capitalists in developed nations essentially exploit an 'external proletariat' in developing ones (Lanes 1990: 4). As a result, developed nations intentionally hinder the growth of developing nations in order to continue this exploitation (ibid).

Yet this ignores the facts. Instead, the accumulation of assets and resources explains, at best, only a doubling of value – with value defined as the ratio of goods to people – since the 18th century (Stan du Plessis, personal communication, 16 April 2010). Instead, a sharp increase in productivity resulting from the greater specialization of labor accounted for the majority of the increase in value (Stan du Plessis, personal communication, 16 April 2010).

The frustration many people express about the injustice of capitalism partially results from the slow increase in living standards in some developing countries. But this frustration is based on a misunderstanding of history. David Landes (1990: 5, 10) notes it took hundreds of years for Europe to build the civil and political institutions necessary for economic growth and the subsequent increase in living standards. Yet he argues that as a result of the demonstration effect, developing nations today are not prepared to wait that long (5). Instead, in the aftermath of co-

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<sup>145</sup> To be clear, it is recognized that the earth's resources are not unlimited and care must be taken in using them. Still, the earth currently produces enough calories to support its present population (Singer 2009: 121-123), which is a fact Malthusian claims ignore.

lonialism's end, it was assumed that, given a roadmap drawn by historical precedence, developing nations could increase living standards much more quickly than their predecessors (6). However, these expectations have proved largely incorrect. First, it is important to understand growth is not natural (ibid). Instead, it takes a combination of strong civil and political institutions to produce an economically healthy society, and bad government is strongly correlated with poor economic outcomes (9).

With this in mind, no one denies oppression (e.g., slavery and colonialism) enriches certain people, usually the rich and powerful, which is why these people undertake such actions in the first place (McCloskey 2009: 27). However, the number of beneficiaries of these practices is quite small (ibid). Instead, the majority of people in oppressive societies do not benefit from exploitation; they only believe they do (27-28).

Yet capitalism is not oppression, and it is certainly not the zero-sum game its critics claim it to be. Instead, entrepreneurs, a foundation of this economic system, create wealth, meaning they can enrich themselves without making others poorer (Singer 2009: 29). In fact, according to Charles Jones (2004: 3), by discovering new uses for existing raw materials, the world can theoretically have an almost inexhaustible supply of growth. As a result, poverty is not a necessity of the current economic structure and thus can be eliminated.

*Objection: Globalization and market forces will naturally and eventually lift everyone out of poverty*

In sharp contrast to the preceding objection, this objection argues capitalism will, with no intervention, eventually alleviate poverty; thus, there is no need to act to help others in less fortunate circumstances. Yet such a claim also misunderstands the nature of capitalism. Although capitalism does not necessitate poverty, it also does not, without intervention, eliminate it. First, capitalism's effects on poverty reduction vary considerably and depend on the distribution of wealth in a society (i.e., greater wealth inequality will lead to less reduction in poverty) (Ferreira and Ravallion 2004: 18-20). Furthermore, certain societies may not benefit due to their geography (e.g., a country that cannot trade due to geographical isolation) (Sachs 2005: 326). As a result, it is necessary to directly intervene to help individuals living in certain societies (ibid).

*Objection: Aid hinders economic growth*

An increasingly popular argument against aid is that it hinders economic growth and renders societies interminably dependent on external assistance. While this can happen when aid is

distributed incorrectly, it is not always the case. Citing data from Shaohua Chen and Martin Ravallion, a 2010 UNESCO report affirms that, despite a doubling of aid from 2000 to 2008, sub-Saharan Africa reported meaningful gains in both economic growth and poverty reduction during the same period (218). While UNESCO concedes aid needs to become more efficient, it vehemently refutes the claim it is ineffective, citing several examples of meaningful educational gains across the developing world as a result of such funding (219).

*Objection: Donated funds will be wasted*

A commonly cited reason (excuse?) for not giving to charitable causes is concern the organizations entrusted with the use of these funds will either use them towards other needs or spend them on projects that do not help (Skinner et al., 2006b: 1). Although donors must be careful how they distribute their funds, this objection can be overcome. Because of the increased focus on giving, organizations are receiving greater scrutiny on the effectiveness of their efforts. Non-profits such as Giving Well have been created to assess an NGO's effectiveness and publish their conclusions on the web. Thus, donors have access to the research needed to ensure the responsible use of their resources.

#### **IV. Sociological objections**

Yet another category of objections originates in sociology. Such objections are not concerned with the moral aspects of being but instead focus on the social and psychological aspects of an individual's relationship to society.

*Objection: The imposition of a Western, imperialistic mindset*

After centuries of slavery and oppression, some people reflexively react to any idea originating in the West as if it were the first sign of a new wave of colonialism and oppression. For example, Beate Jahn (2005) argues all forms of intervention are simply Western imperialism. As a result, the ideas contained in this dissertation would not be valid simply because they originate from someone in the West.

It is important to note this objection is often predicated upon the thought that people are either ignorant of or cannot understand others' cultures (O'Neill 1988: 716). Yet this is not so. A person can understand and follow another's culture while disagreeing with its beliefs and implications (ibid). Furthermore, while Western society is blameworthy for certain reprehensible practices historically (e.g., colonialism), we should not disregard or fear all that Western society



and thinking offers (Ife 2001: 58). In certain areas such as human rights, Western culture offers ideas that are worth defending (ibid). In fact, equal citizenship – an idea that has freed many from repressive regimes (e.g., the recent uprisings in Libya and Egypt) and economic systems (e.g., slavery) – is a fundamental value in liberal thought (Wellman 2000: 540).

Moreover, holding any non-Western culture as superior or beyond criticism is as foolish as disregarding all practices and ideas of Western culture (Ife 2001: 58), especially since certain cultural structures can reinforce unjust power relations between the powerful and the powerless (e.g., caste systems). John Stuart Mill (2005: 47) observes ‘the despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary, which is called, according to circumstances, the spirit of liberty, or that of progress or improvement’. This is particularly true when, schooled only in one line of thought, people within a culture, no matter how moral, are blind to its oppression. As Amartya Sen (2009: 162-163) writes,

When the confines of local beliefs are strong and difficult to overcome, there can be a steadfast refusal to see that a real inequity is involved in the way women are treated in their own society, and many women are themselves led to a belief about women’s alleged intellectual inferiority based on the supposed ‘evidence of the eyes’, drawing on a faulty reading of local observations within a stratified society. In explaining the protest-free tolerance of social asymmetry and discrimination that can be seen in many traditionalist societies, the idea of positional objectivity has something of a scientific contribution to make, in giving us an insight into the genesis of an illegitimate application of positional comprehension (when the need is for a transpositional understanding).

While the need for external intervention has already gained acceptance in cases of violent oppression,<sup>146</sup> we also must not shrink from our duties in challenging non-violent oppression,<sup>147</sup> even when such practices are couched in terms of ‘cultural integrity’. As Anthony Giddens (1990: 38) argues, ‘to sanction a practice because it is traditional will not do; tradition can be justified, but only in the light of knowledge which is not itself authenticated by tradition’. As a

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<sup>146</sup> In 2005, the United Nations General Assembly unanimously accepted the doctrine of the responsibility to protect, which states that external intervention will be used against governments that commit certain atrocities (i.e., war crimes, crimes against humanity, genocide, and ethnic cleansing) against their own citizens. Although its implementation has been, to put it diplomatically, uneven, it has been an important first step in protecting citizens from violent regimes (e.g., the recent NATO intervention in Libya).

<sup>147</sup> To be clear, this dissertation does not argue armed or other forceful intervention should be used to implement the ideas it contains.



result, although openness and toleration are important in a world containing so much diversity, we should not let these values trump those that are more fundamental to the integrity of life.

That said, many of the ideas contained in this dissertation (e.g., children should receive enough nutrition to support healthy growth and brain development) are basic enough that they should be relatively uncontroversial for many cultures.<sup>148</sup> Furthermore, this dissertation welcomes responses that highlight where this is not so. Its ideas propose to be universal, and in cases where they are not, this should be made known. Thomas Pogge (1988: 254-255) summarizes such thoughts well: 'A cross-cultural discourse about a substantive moral issue of great common concern will broaden the vision of its participants, and will tend to make the moral conceptions involved less parochial as each tries to accommodate what it finds tolerable, or even valuable, in other cultural traditions'. Thus, in order for the implementation of these ideas to be fully feasible, it must be tested against other worldviews and revised when it is found wanting.

It is also acceptable for individuals to, due to cultural considerations, reject these ideas outright after careful reflection on them, although in some ways, that would still be an acceptance of their implementation. For example, a woman may become educated enough to understand the gender inequality in her society, but having seen it, accepts it since her conception of a good life is to be a submissive wife who is greatly influenced by her husband. Such a decision is perfectly acceptable as long as the individual was able to see, understand, and, if so inclined, pursue other conceptions of a good life. In fact, such decisions ultimately increase the tolerance in society since a given way of life is no longer seen as truth but personal preference. In other words, this dissertation does not demand that all individuals take advantage of the equality of opportunity extended to them but only that their rejection of such opportunities follows considered judgment.

In conclusion, George Kent (1992: 339) summarizes the interaction between morality and cultural sensitivity well:

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<sup>148</sup> While these ideas will likely be relatively uncontroversial for many cultures, they are not likely to be so for many sociologists. There is a myth in sociology that postulates that any attempts by those in more fortunate circumstances to help those in less fortunate ones defiles the poor's culture. Yet what person or group of people would not choose better food and more education for their children? While it is naïve to think such assistance will leave the culture wholly unchanged (e.g., certain dishes will be replaced by healthier ones; harmful traditional practices such as female genital mutilation may disappear), it is not obvious these changes are always unwelcome or harmful.

My personal view is that I want to show respect for others' views of what is right and wrong, but I also want to act with integrity, with respect for my own views of what is right and wrong. I want to take account of others' ways, but ultimately my action must be based on my own values and my own understanding of the situation.

Thus, while it is important to respect and account for others' views, we must not, without careful consideration, allow them to hinder the progression of a universal advancement of morality.

*Objection: Poor people are happy as they are and thus do not need assistance*

Although rarely seen in academia, an objection sometimes outside of it centers on the idea that, based on scant anecdotal evidence, those in less fortunate circumstances are happy. Since assistance will likely not make them any happier, it is unnecessary to provide it.

Among wealthier people, this is largely true. Richard Layard (2005: 3) observes happiness in Western societies has not risen even as wealth has. Yet the conclusions from such observations do not easily translate to individuals in less fortunate circumstances. Happiness may not be an effective indicator of resource deprivation because people often restructure their outlook in order to make their circumstances bearable (Sen 2009: 282-283). Amartya Sen captures the idea well: 'To overlook the intensity of their disadvantage merely because of their ability to build a little joy in their lives is hardly a good way of achieving an adequate understanding of the demands of social justice' (284). For example, women living in societies that deprive them of freedoms and education may report they are happy only because they have not seen alternative forms of being. Street children may say they are happy living as beggars only because the homes they knew were abusive and resource deprived.

Such examples give insight into the idea of comparison, which is the fundamental way we assess need. In other words, assistance by definition is rendered to change certain states, meaning it is given to move individuals from one set of circumstances to another. If we were unable to make comparisons between sets of conditions, there would be no need to provide aid.

Yet the bases for such comparisons can be misleading. When one terrible option is present, other options, no matter how negative the consequences, tend to be viewed favorably in such relative light (Morgenbesser 1974: 221). After all, most people are saintly compared to Stalin and Hitler (ibid). Thus, when evaluating conditions in order to render assistance, we must act to (1) evaluate options or states as good or bad in and of themselves, and not only in comparison with

other ways of being and (2) not exaggerate the positive or negative consequences of certain states in order to persuade critics, since such exaggeration is often discredited in the end (see Morgenbesser 1974: 221).

Thus, when evaluating those in less fortunate circumstances, we have an obligation to allow individuals to choose their conditions before drawing conclusions about their relative states of happiness, particularly when we have known only more privileged surroundings ourselves. Furthermore, our evaluation of those conditions should not be based on the most horrible or unacceptable option but upon a fairer evaluation of what is necessary to pursue individual conceptions of the good life. We should thus not decide our willingness to render assistance based on the presence or absence of a few smiles.

*Objection: Providing assistance leads to the ‘commercialization’ of orphans*

Some communities have seen a rise in people who house orphans without caring for them in order to receive state aid (Skinner et al., 2006a: 17). Critics may thus conclude that providing assistance leads to children’s commercialization without any resulting improvement. However, such an objection actually focuses on the implementation of the concepts in this dissertation rather than the ideas themselves. Although empirical work is needed in this area, it is highly likely that society can devise solutions that lessen such effects.

## **V. Personal objections**

Because this dissertation argues individuals have obligations to others, the objections to it are not limited to academia. They can also be personal. Certain people (e.g., teachers, social workers, employees at non-profits) are more likely to accept these arguments not for the justifications behind them but because they already embody such ideas on a day-to-day basis.<sup>149</sup> Many others, however, will have a more difficult time accepting them. Thus, this section addresses objections that are not centered on ideas but revolve around the reflexive and personal reactions.

*Objection: Most people act within their self-interests, so I should, too*

One of the most common (and possibly lazy) personal objections to helping others is the idea that everyone generally acts within their self-interests, so any individual with obligations to others should act within their self-interests, too. There is some philosophical basis for this. Shelly Kagan (1989: 40) argues the original position and veil of ignorance, both of which are tools used

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<sup>149</sup> As Michael Hardimon (1994: 358) states, ‘If you identify with a role, its norms will function for you as reasons’.

to design just societies, are, in essence, ways to further self-interests since the representatives in these positions are simply attempting to ensure they are as well off as possible once the veil of ignorance is lifted. Thomas Hobbes believed collective self-interest formed the foundation of justice since, because everyone acts self-interestedly, it is within everyone's interest for the government to regulate this behavior (Nagel 2005).

Although this idea of self-interest is especially strong in economic theory, it has become increasingly popular in politics and law as well (Sen 2009: 179). Called Rational Choice Theory, this notion contends the only behavior that is rational is the pursuit of a rather narrow definition of self-interest (*ibid*). Pursuit of anything outside of this definition is in strong need of defense.

Such an argument is more questionable and unsubstantiated than its proponents suggest. While Shelly Kagan (1989: 389) concedes the concept of the pursuit of self-interest as the most rational choice needs proof just as much as any other theory, she also argues that it seems intuitively unquestionable while obligations of beneficence intuitively appear to require greater proof. Yet many other philosophers disagree, and the idea is highly contentious.

Amartya Sen is one of Rational Choice Theory's foremost critics. According to him, modern economics generally assumes people will act to maximize their self-interests despite well-known evidence to the contrary (Sen 2009: 177). Furthermore, the assumption is generally made without any particular defense or, when a defense is given, it is fairly weak (*ibid*). Sen describes this theory as a 'remarkably alienating belief' that 'reflects a limited understanding of reason and rationality' (32, 179). He proceeds to offer a different conception, arguing the rationality of choice is 'primarily a matter of basing our choices – explicitly or by implication – on reasoning that we can reflectively *sustain* if we subject them to critical scrutiny' (180, emphasis in the original). In other words, it is only rational to do something if our reasons for doing it withstand considered objections from others. As a result, this definition is the connection showing what is rational to choose is also what is reasonable to choose (*ibid*).<sup>150</sup>

Although they may use different supporting arguments, other philosophers also disagree with the widespread acceptance of Rational Choice Theory. Peter Singer (2009: 76) argues there is ample evidence for altruistic behavior's existence in daily life, and Thomas Nagel (2005) holds many people's commitment to morality is not motivated by self-interest. Furthermore, Thomas Scan-

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<sup>150</sup> It is important to note that even under scrutiny, an individual may have a variety of choices, not one unique alternative as Rawls' theory proposes (Sen 2009: 182-183).

lon (1998: 128-129) plausibly contends a clear boundary must exist between people's well-beings for Rational Choice Theory to be tenable, yet it does not.

It is important to counter the false belief of widespread prevalence of Rational Choice Theory since such misperceptions increase the likelihood people will act in accordance with a narrow interpretation of the theory (i.e., 'Because everyone else acts within their self-interest, I will, too'), thereby rendering it a self-fulfilling prophecy. Not only is this immoral, it renders society worse off socially, economically, and morally (see Chapters 5 – 8). Thus, it is important to educate people not only on the moral arguments for helping others but also on the empirical facts surrounding the ubiquity of these acts in society at large.

*Objection: Parents only need to be responsible for their own children*

In an ideal world, people would be responsible for their own creation (i.e., everyone would need to care only for their own children). However, the realities of our world are quite different. Here, disadvantaged parents often cannot – but sometimes chose not to – offer all of the opportunities necessary to render their children fully autonomous adults. When these parents cannot or will not do this, some individuals may resent the idea of stepping in to care for other people's children since they did not create them.

Yet it is important to remember the difference between being part of the problem and being part of the solution. While parents may make irresponsible decisions that render them unable to care for their children, it is not the child's fault that he has been born into such unfortunate circumstances. Thus, as Chapters 6 and 7 show, it is still incumbent upon others to provide an equality of opportunity for all children, particularly for those who are disadvantaged.

*Objection: The disadvantaged circumstances of the poor is their own fault*

Many people in society, especially those that are more privileged, think the poor are fully responsible for their own circumstances; however, this notion does not withstand scrutiny. In fact, many beliefs we hold about the poor are usually based on prejudice and are often circular (Sachs 2005: 317). For example, one uninformed view is that poor people are lazy, and the reason we know this is because they are poor (ibid). This is usually based on a complete misunderstanding or ignorance regarding the causes of poverty (ibid). In fact, Peter Singer (2009: 27) contends the poor work very hard since, in poor countries, labor is more likely to be physically demanding due to the lack of technology and automation.

People generally view the poor as blameworthy for their circumstances by comparing them (possibly subconsciously) to groups of people in more comfortable situations. As David Landes (1990: 1) writes,

At the risk of tipping my hand, I shall argue that most answers to the question posed by my title ['Why Are We So Rich and They So Poor'] fall into one of two lines of explanation. One says that we are so rich and they so poor because we are so good and they so bad; that is, we are hardworking, knowledgeable, well-governed, efficacious, and productive, and they are the reverse. The other says that we are so rich and they so poor because we are so bad and they so good: we are greedy, ruthless, exploitative, aggressive, while they are weak, innocent, virtuous, abused, and vulnerable. It is not clear to me that one line of argument necessarily precludes the other, although most observers and commentators have a strong preference in the matter. What is clear is that, insofar as we may want to do something about the gap between rich and poor, each of these explanations implies a very different strategy.

The objection that the poor are at fault for their own circumstances can easily be countered. First, it is important to note this dissertation argues we need to help children specifically – not the poor generally – and it would be very difficult to make the case that children are at fault for their poverty. Secondly, it is important to educate those who make such objections. The poor are rarely at fault for their circumstances; instead, they are constrained by the social and economic frameworks in which they operate. People's ignorance of these constraints derives not only from a lack of education on the causes of poverty but also their removal from it. To many people in more fortunate circumstances, the poor are still very much the 'other', and a lack of interaction with them enables myths to continue. By breaking down these myths, critics will see that objections regarding the laziness of the poor are generally invalid.

*Objection: There are too many people to help, so my contribution will make no difference anyway*

There is a significant amount of need in the world, and the amount of good one person can produce will likely always pale in comparison to that need. When faced with such facts, many individuals despair before even attempting to help. Why bother if it will only be a drop in the ocean anyway?

This is likely a relatively recent objection. Looking at the historical record, it is only recently that individuals have had the means (e.g., currency that can be exchanged and used to deliver goods

and services to another country, large amounts of disposable income, etc.) and awareness (e.g., campaigns by multinational NGOs, rise of mass market visual media) to help those who are faceless and geographically distant.<sup>151</sup> Yet it is likely precisely the mechanisms that enable us to become aware of and assist distant others that also engender these feelings of relative helplessness.

This goes to the ideas of ‘the other’ and vivid beliefs, presented in detail in Chapter 11. If the person who needed \$5 for the oral rehydration and other medical treatments to save his child’s life was our neighbor or colleague, it would not matter to us how many other people also needed such treatments. We know our neighbor and we know the difference it will make in his and his child’s life. Information on others in need would seem extraneous in our decision to help him. Why, then, do we use a different standard when we do not know the person? While there are psychological explanations of why we do so, there seem to be no good moral and philosophical justifications to do so. In fact, Peter Singer (1985: 251) considers attempts to assess our obligation to help based on the number of people who need assistance ‘absurd’.

If such a justification existed, it would produce very skewed outcomes. People who are relatively poor but live in societies that are well off (e.g., Norway, Denmark) would receive significant assistance even though they do not have the greatest need while people in very poor societies with tremendous need (e.g., the millions of AIDS orphans in Africa) would be left to suffer. For example, a child in a developed nation would be assisted to attend her prom while a 4-year died from complications of malnutrition in a very poor country simply because there are far more children in the latter than in the former one. This is clearly not the type of society we should seek to create.

That said, the arguments against this objection may convince moral philosophers but be less successful on those not used to such debates. As a result, it is important to create solutions that overcome the psychological aspect of this objection.<sup>152</sup>

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<sup>151</sup> See related discussion on Anthony Giddens’ idea of disembedding mechanisms discussed in Chapter 7.

<sup>152</sup> For example, aid organizations can appeal through the ‘identifiable victim’. Because people are more likely to act on something that appeals to them emotionally, aid organizations are more likely to receive donations when they present an illustrative person aid would help instead of statistics of the issue at hand (Singer 2009: 46-50).

Objection: 'I can't help others. Watching them suffer makes me too sad.'

While there appear to be no studies on this, anecdotal evidence suggest that some people, without a hint of irony, do not help others since interacting with people in such circumstances makes the potentially beneficent individuals too sad. The philosophical and intellectual counterarguments to such an objection are obvious, manifold, and not academically interesting enough to recreate here. Still, the purpose of this chapter is to examine not only intellectual objections but personal ones as well. As a result, this objection will be addressed on a personal, practical level.

If an individual is genuinely concerned that helping someone in need will adversely affect his mental health, the disembedding mechanisms and facelessness of the less fortunate become very advantageous, for financial assistance can then be rendered without personal interaction. As a result, this objection can be easily overcome.

## **VI. Conclusion**

Objections to the arguments in this dissertation fall into four categories: philosophical, political, economic, and personal. This chapter discussed a variety of objections in each of these categories and concluded they could be overcome. As a result, the next chapter will examine the feasibility of implementing these ideas.



## The Feasibility of Implementing These Ideas

### Chapter 11

The previous chapters argued individuals have moral obligations to help all children gain an equality of opportunity in life and detailed the nature of those obligations. However, while such arguments are the important first step to improving the lives of children across the world (i.e., if there is not a good argument for doing something, why bother to do it?), they serve only as an interesting intellectual exercise if no action is taken based on them.

Yet such actions are difficult. Nicholas Kristof (2010) notes ‘anybody wrestling with poverty at home or abroad learns that good intentions and hard work aren’t enough’, aptly summarized in his statement ‘helping people is hard’. In fact, on Michael Tanner’s (1994: 98) reading of Nietzsche, suffering is so prevalent that attempts to alleviate it are foolish. Fortunately, data tells us that our attempts to help others actually improves lives. While implementing the ideas contained in this dissertation may seem an awesome and idealistic task, it is not impossible. First, as this chapter will detail, global wealth continues to increase dramatically. Secondly, because of increased mobilization (e.g., immigration, emigration, tourism), the media, and the rising trend/fashionability of global responsibility, the global awareness of others’ less fortunate plights also continues to rise significantly. As a result, the implementation of the ideas contained in this dissertation appears completely feasible.

That said, it is important to note this chapter is not an overarching implementation plan to create an equality of opportunity for all children. Creating an actual implementation plan will largely be based on reams of empirical data and will likely be more the province of a think tank, political scientist, or sociologist than a philosopher. Consequently, this chapter examines only the surface of available resources to understand the general feasibility of creating such opportunities and then offers various ideas to consider when devising the plan.

#### **I. Philosophy and feasibility**

Some philosophers prefer to concentrate solely on theoretical issues, considering the practical aspects of their arguments too vocational. Yet what good is philosophy if it cannot be used outside of ivory towers? In discussing Nietzsche, Michael Tanner describes how he did not embrace

academia, considering it an area ‘where everything becomes a matter of discussion and nothing for action’ (3). In moral philosophy, an area that focuses on how people should act and make decisions in this world, this tendency to focus only on discussion is particularly dangerous since these discussions may be interminable, which does not help if humanity continues to suffer. Thus, the idea of *praxis* – meaning theory and practice cannot be separated (Ife 2001: 140) – is the basis of this chapter, and feasibility is considered in the following three respects:

- *Capacity*: Quite plainly, does the world contain enough resources to implement an equality of opportunity for children? Are these resources sustainable? Such questions involve forecasts that are difficult to construct (Nickel 1993: 81-82) and remain the province of an economist, not a philosopher. Still, this chapter will examine – at the highest of levels – the amount of resources needed to implement these ideas and if those resources are actually available.
- *Priority*: Can individuals implement an equality of opportunity for children while still fulfilling their other moral obligations?<sup>153</sup> While Chapter 9 addressed part of this question, this chapter will examine if individuals can meet the obligations required in this dissertation without neglecting others that are equally as important.
- *Motivation*: Thomas Nagel (1991: 21-22) aptly argues for the importance of accounting for individuals’ motivation to live up to certain ideals. If an ideal is too difficult to obtain, it may not be helpful to society at all. Yet Nagel also notes we should not ‘be too easily dissuaded given that radical departures from current behavior patterns are not always unrealistic’ (ibid). As a result, this chapter will also briefly examine if individuals can be persuaded to live up to the ideals presented in earlier chapters.

## II. The big picture

Peter Singer (2009: 45) amusingly though truthfully writes ‘the world would be a much simpler place if one could bring about social change merely by making a logically consistent moral argument’. Unfortunately, the world in which we live is substantially messier than one motivated by pure reason and logic, and in this world, the ideas promoted in this dissertation may appear justifiable in the theoretical realm but nearly impossible in the practical one. People often say man is a lazy, selfish, narrow-minded, and shortsighted creature who wants the government to take care of everything. However, even if such things are always true (and this chapter will present several counterarguments against such a view), barriers to practical implementation do not make our

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<sup>153</sup> James Nickel (1993: 81) examines this argument in the context of states, but it is equally applicable to individuals.

moral obligations disappear. Even if we cannot bring about perfect equality of opportunity for all children, we can remove many of the obvious injustices that exist (see Amartya Sen 2009: vii). And although even this may seem impossible, we need only to examine history to be encouraged. As Jim Ife (2001: 145) writes:

...a historical perspective is important for emphasising that things can and do change. Without a sense of history it is easy to think that the existing order is somehow 'natural' and immutable. It is easy for those concerned with progressive social change to become disheartened at a system of inequality and disadvantage that seems intractable, to accept the conservative argument that the way things are is the 'natural' order of things that cannot be altered, and hence to believe that the way people behave in the modern world is 'human nature' and therefore unchangeable. ... A historical perspective also shows that what may seem impossible today can become feasible tomorrow... Seeing ourselves as in an ongoing process of historical change is much more empowering than seeing ourselves trapped in an ahistorical present, and the study of history can only help in this regard.

When we examine history and hear the quieter voices among the noisy critics, we find there is reason for hope. For example, in discussing urban ghettos in the United States, W. W. Rostow and Elspeth D. Rostow (1992: 361) argue 'apathetic fatalism is not justified'. In his 1995 memoir, Barack Obama wrote, 'Maybe it was that courage, I thought, that Africa most desperately needed. Honest, decent men and women with attainable ambitions, and the determination to see those ambitions through' (358). And surveying the evidence, it seems that we do need only a few decent people for life to begin to change. It may be slow and difficult, but it can happen. Five hundred years ago when the world was a much less populated and far less wealthy, 80% of people lived in poverty (Stan du Plessis, unpublished research), global life expectancy was approximately 25 years (Maddison 2007: 72),<sup>154</sup> people were often uneducated and hungry, and life was, in Thomas Hobbes' (1914: 65) famous words, 'nasty, brutish, and short'.

Yet much has changed. While statistics in individual countries vary widely, the global poverty rate has dropped to 20% (Stan du Plessis, unpublished research),<sup>155</sup> and global life expectancy has risen to 64 years (Maddison 2007: 72). Many things now considered uneventful, like manned spaceflight, were once thought impossible. In their book *It's Getting Better All the Time: 100 Great-*

<sup>154</sup> To put this into perspective, it means that almost no one reading this would have obtained a PhD.

<sup>155</sup> Incredibly, even as recently as two generations ago, half of the world's population lived in extreme poverty (Sachs 2005: 289).

*est Trends of the Last 100 Years*, Stephen Moore and Julian Simon (2000: 4-5) paint an even clearer picture:

Let us try to draw a mental picture of what life was like as recently as 100 years ago. The 19th century that was just ending was an era of tuberculosis, typhoid, sanitariums, child labor, child death, horses, horse manure, candles (still), 12-hour workdays, Jim Crow laws, tenements, slaughter houses, and outhouses. Lynchings were common occurrences back then, and not just of blacks. (In the South, 11 Italians were lynched in the span of a month.) To live to 50 was to count one's blessings. For a mother to have all four of her children live to adulthood was to dramatically beat the odds of nature. About one in four American children in the 19th century perished before the age of 14...

Industrial cities typically were enveloped in clouds of black soot and smoke. At this stage of the industrial revolution, factories belched poisons into the air – and this was proudly regarded as a sign of prosperity and progress. Streets were smelly and garbage-filled before the era of modern sewage systems and plumbing... In the first two decades of the 20th century, before the era of acid rain and global warming, pollution killed people – lots and lots of people. Deadly diseases were carried by milk and what then qualified as 'drinking water.' Cancer was not the primary cause of death as it is today because most Americans were doomed by infectious diseases and occasional epidemics before they lived long enough for their bodies to contract this degenerative disease.

Medical care was astonishingly primitive by today's standards. Abraham Flexner, writing in the famous Flexner report on medical education in 1910, commented that up until then, a random patient consulting a random physician only had a 50-50 chance of benefiting from the encounter. Health historian Dr. Theodore Dalrymple notes that up until the late 19th century it was often considered 'beneath a physician's dignity to actually examine the patient.' Most of the drugs used throughout the ages – including arsenic, which was still used up through the early 1900s – were useless and in many cases poisonous. Oliver Wendell Holmes supposedly once declared that if all of the drugs in his time were tossed into the ocean it would be better for mankind and worse for the fish.

This entertaining picture clearly shows how much humanity's lot has improved. Moore and Simon argue the 20th century saw people's lives improve more than all of the previous centuries combined, saying this extended to 'almost every measure of material human welfare – ranging from health, wealth, nutrition, education, speed of transportation and communications, leisure time, gains for women, minorities, and children to the proliferation of computers and the Inter-

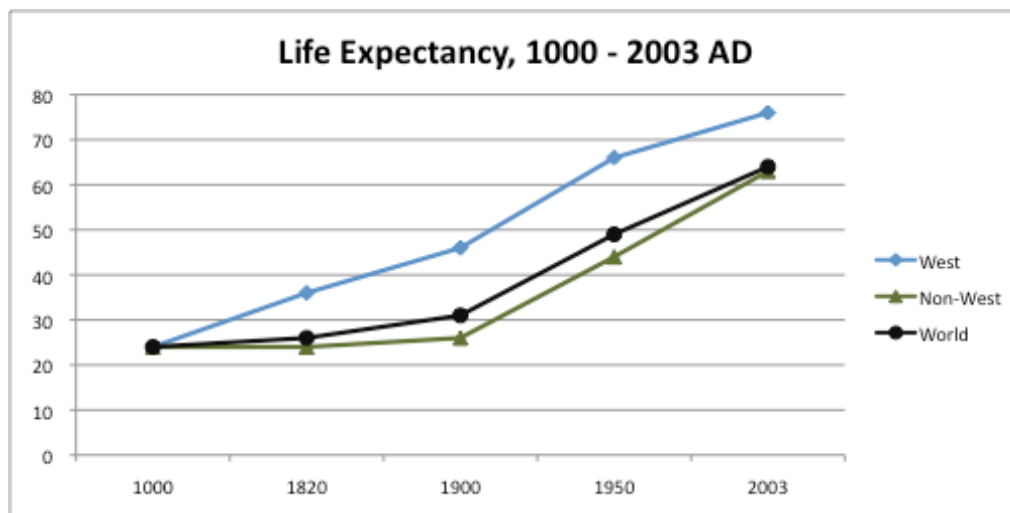
net' (1). They further argue that these improvements, while most beneficial to Americans, reflect global trends (ibid). Thus, to say the world's problems – including a lack of equality of opportunity for children – are too big and difficult to solve ignores significant progress. Change sometimes occurs slowly, but it does occur, and we should not let the pace discourage our progress. To emphasize this point, the remainder of this section will discuss the significant improvements that have been made in a variety of areas important to humanity.

### Health

On almost all measures, the health of the world's population has dramatically improved. For example, there have been phenomenal gains in life expectancy, one of the most often used indicators of health since – and quite obviously – healthier people live longer. People often do not realize how short life expectancy was throughout history. The following list provides rather telling examples of life expectancy over the last two millennia (Maddison 2001: 29):

- Roman Egypt, 33 – 258 A.D. – 24 years
- England, 1301 – 1425 – 24.3 years
- Japan 1751 – 1869 – 37.4 years
- France 1820 – 1929 – 38.8 years

As the following chart shows, the global improvement in life expectancy is substantial:



One of the reasons for this substantial improvement in life expectancy is a corresponding substantial improvement in child mortality. Over the last 20 years alone, there has been significant improvement in survival and development outcomes, with Central and Eastern Europe, East Asia, Latin America, and the Caribbean reporting the greatest gains (UNICEF 2009b: 15). The

absolute number of deaths in children under 5 years of age fell by over 25% between 1990 and 2008 while the rate of mortality in children under 5 fell by almost 30%, with both figures reflecting large immunization efforts (ibid). For example, child deaths resulting from measles dropped by 89 percent between 2000 and 2007 in Africa alone (ibid). In fact, because of these immunization efforts, children under five now rarely die of measles in southern Africa (Ruth Levine as cited in Save the Children 2005) while increased treatment for dehydration and diarrhea has resulted in a 50% decrease in global child deaths from those causes (Kofi Annan as cited in Save the Children 2005).

Nutrition has also improved significantly and led to gains in life expectancy. From 1969 – 1971, over 30% of the global population was defined as undernourished; however, despite an economic downturn and higher food prices that lead to a recent increase in the number of undernourished people, less than 20% of the global population was classified as undernourished in 2009 (FAO 2009: 11). In line with this, all developing nations reported declines in undernutrition between 1990 and 2008 (UNICEF 2009b: 15-16). Such trends in health are encouraging and attest to improvements in lives across the world.

### Education

Education has also improved significantly, not only in terms of schooling and literacy but also in the mindsets that surround it. For example, in *On Liberty*, John Stuart Mill (2005: 69) laments the controversy surrounding mandatory universal education. How far we have come! In our current world few people seriously question this.<sup>156</sup> In today's society, although debate continues to surround what and how education should be delivered, the idea of universal primary education is firmly entrenched in the vast majority of societies. In fact, universal primary schooling is one of the Millennium Development Goals adopted by the United Nations, which attests to its widespread appeal.<sup>157</sup>

Literacy rates, widely recognized as good indicators of basic education, have risen dramatically over the past two centuries. According to Benedict Anderson (2006: 75), in 1840, almost half of the populations in Britain and France, the two most advanced states in Europe, were illiterate,

<sup>156</sup> That said, female education still lags behind in many less developed nations.

<sup>157</sup> While substantial work remains to be done, the focus on primary school enrollment has yielded significant gains. For example, in 1999, 105 million appropriately-aged children were not attending primary school; by 2007, that figure dropped to 72 million despite population increases (UNESCO 2010: 55). Measured between 2002 and 2007, the absolute number of children not enrolled in primary school fell just over 12% despite rising global populations (UNICEF 2009-1: 16).

with that number climbing to 98 percent in Russia, statistics seen as nearly unthinkable when viewed through modern eyes. In fact, for hundreds of years, experts estimate literacy rates were below 10% worldwide (Moore & Simon 2000: 3). Today, however, most countries routinely report literacy rates above 70%, although rates remain low in parts of South Asia and sub-Saharan Africa (UNESCO 2004: 262-269). That said, literacy rates have risen around the world since 1990 (UNESCO 2006: 60). Furthermore, youth literacy rates tend to be higher than older generations and differences in illiteracy between genders less pronounced, both of which reflect the continued expansion of education (ibid).

### Child labor

Employment conditions have also improved substantially, particularly in terms of child labor. According to the International Labor Office (2006: vii-viii), as recently as the late 1980s, the world's response to child labor ranged from 'indifference to resignation to denial'. However, by educating the world on the extent of the problem and its consequences, child labor is rapidly declining, particularly in its most hazardous forms (7).

### Income and purchasing power

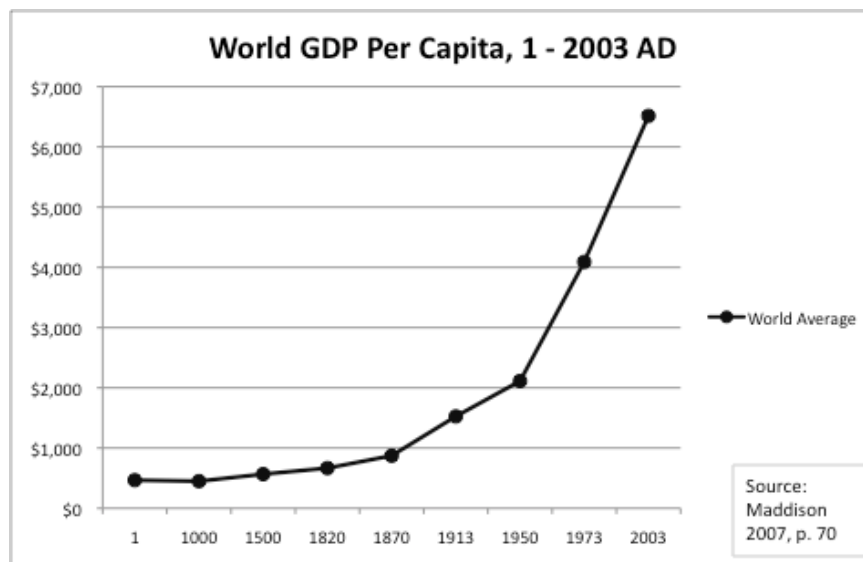
In addition to remarkable gains in health, education, and child labor, income and purchasing power have recorded extraordinary increases. As an article in *The Economist* (2009l) highlights, goods such as cars and computers have transformed from luxuries for the rich into necessary goods for the masses. While this is partially due to significant decreases in the real prices of these items, it also attests to a significant rise in real income.

Angus Maddison (2001: 28) estimates GDP per capita was completely flat (i.e., 0.0%) between 0 and 1000 A.D., 0.05% between 1000 and 1820, and 1.21% between 1820 and 1998. While these averages mask great disparities (Japan grew 1.93% annually between 1820 and 1998), even Africa, which recorded the lowest annual per capita GDP growth of 0.67% annually between 1820 and 1998, is still significantly above the preceding 1800 years (ibid). The 19th and 20th centuries grew particularly quickly, with compound annual growth rates ranging from 0.54% to 2.91% throughout the period and between 1.56% and 2.91% during the latter half of the 20th century (Maddison 2007: 71).

What makes these gains especially interesting is their occurrence despite a dramatic decline in the average annual hours worked per person. In 1870, workers in Western Europe, Canada, the

United States, and Australia worked just under 3,000 hours per year. By 1998, the figure had fallen by nearly 50% to approximately 1,500 – 1,600 per year (Maddison 2001: 347). At the same time, GDP per person employed increased 8- to 9-fold in Europe, Canada, and the United States and 4-fold in Australia (349).

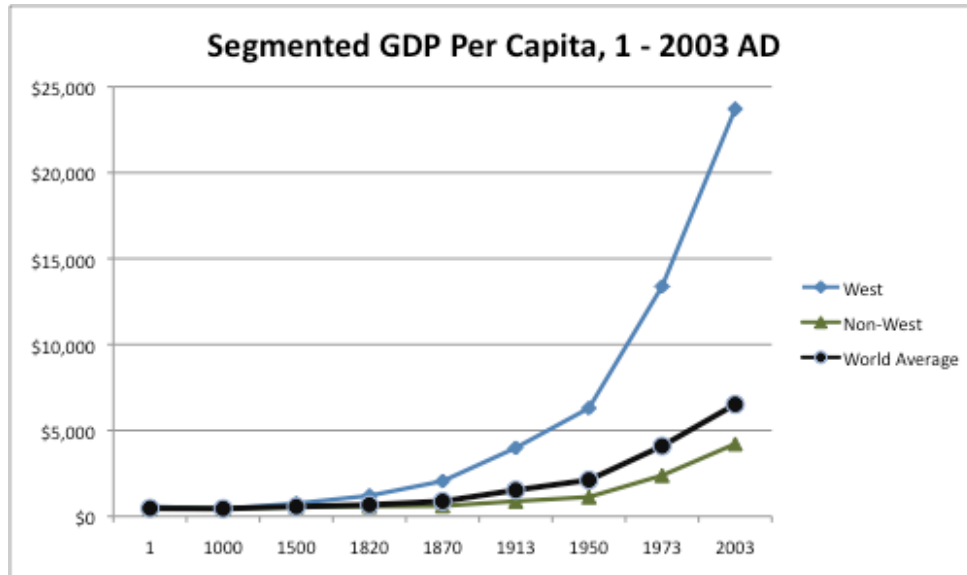
To put this achievement into perspective, adjusted for purchasing power parity in 1990 dollars, Peninsular Italy, one of the wealthiest regions in its time, had a per capita income of US\$857 in 14 AD, and the entire Roman Empire had a per capita income of just \$570 (again, adjusted for PPP in 1990 USD) (Maddison 2007: 52, 54). Non-Roman west Asia averaged \$500, while non-Roman Africa and non-Roman Europe both averaged \$400 per capita income in 14 AD (54). Incredibly, per capita income actually shrank in much of the Roman Empire between 14 AD and 1000 AD. In fact, the per capita income for those living in Europe shrank by over a 25%, decreasing from \$593 in 14 AD to \$431 in 1000 AD (59). Per capita incomes in Roman Africa also shrank, moving from \$542 to \$487 during the same time period, although per capita income increased in Roman Asia, growing from \$550 in 14 AD to \$600 in 1000 AD (ibid). To put this into context, the average income throughout much of history (e.g., an income of \$600 per year, which is less than \$2 per day) is considered very poor by today's standards. The following chart details the increase in GDP per capita:



Unfortunately, Africa recorded the smallest gains in GDP per capita, moving from \$472 in 1 AD to \$424 in 1600, \$421 in 1820, and \$1,549 in 2003 (1990 U.S. dollars at purchasing power parity) (71). Still, modern economic growth only began in the last 200 years (McCloskey 2008: 3), and,



as the next chart shows, the global gulf between rich and poor is a modern one given that in 1820, most of the world would have been considered very poor by today's standards (Jeffrey Sachs 2005: 28-29).



In addition to the encouraging rise in incomes, purchasing power has also increased substantially. In 1688, necessities (e.g., food, clothing, fuel and light, household equipment) totaled almost 90% of personal consumption, but by 2001, such necessities had decreased to less than 20%, with proportionate gains in education, healthcare, recreation and entertainment, and transportation and communication (Maddison 2007: 75-76).<sup>158</sup>

This rise in both incomes and purchasing power has resulted in heartening decreases in extreme poverty. Using data from the 2005 *International Comparison Program*, a relatively new compilation of poverty lines for developing countries, and a large number of new household surveys, a 2008 report from The World Bank Development Research Group revised previous poverty estimates between 1981 and 2005 (Chen & Ravallion 2008). It found the percentage of the developing world's population living in extreme poverty fell from 52% in 1981 to 25% in 2005, with the absolute number dropping from 1.9 billion to 1.4 billion (23). Excluding China, the percentage

<sup>158</sup> Analyzing America specifically, J. Bradford DeLong (2000: 5) calculated the amount of hours the average person needed to work to buy certain household goods in both 1895 and 2000. In all cases but a sterling silver teaspoon (for which less expensive stainless steel now substitutes), the amount of hours dropped dramatically (ibid). For example, it took 16 hours to earn the amount needed to buy a hairbrush in 1895; by 2000, that number dropped to only 2 hours (ibid). Furthermore, not only can people work fewer hours to buy most items, they can buy substitutes for the same general functions for a fraction of the cost. For example, listening to music in 1900 meant having both an instrument and a musician (27). Today, however, stereos and CDs are substituted for a fraction of the cost (ibid). In fact, the average American experienced a 2,100 percent increase in living standards between the years 1820 and 2000 (McCloskey 2008: 1).

falls from 40% to 28% (24). In line with this, Moore and Simon (2006: 8) argue that, by 2050, most people will no longer live in poverty, and ‘material deprivation will be a thing of the past’.

### Moral equality

One of the most heartening trends over the past two hundred years is the increase in both real and legislated moral equality.<sup>159</sup> The most obvious example is slavery, which, although largely regarded as uninteresting throughout most of human history, is now regarded with horror by most of the world. Yet there are other examples, too. The United States was still formally segregated as late as the 1950s and 1960s, and South Africa did not end apartheid until the 1990s. On an individual level, John Stuart Mill, generally considered quite progressive for his time, displayed what would now be considered shockingly racist views, yet in the mid-1800s, they simply reflected the larger mindset of mid-19th century European culture (see Mill 2005: 10).

Progress in moral equality is not limited to race. Women were also considered inferior to men throughout most of history, and although substantial work remains, encouraging progress continues. As recently as 1965, the United States Supreme Court still ruled in favor of what is now widely regarded as sex discrimination (Sunstein 1995: 1766). Changes in legislation have reflected changes in society at large. For example, historically, women were significantly less educated than men and often barred from certain educational institutions (my own). However, with the exception of Switzerland and Turkey, OECD countries now report higher levels of tertiary educational attainment among women than men (OECD 2009: 45).

### **III. The need for change**

If society has become this much better over the past few millenia, do people still need to help the less fortunate? Won't it all just be okay in the end?

Of course not. Moore and Simon (2000: 6-7) attribute the gains of the past few hundred years to electric power, the microchip, and modern medicine while Deirdre McCloskey (2008: 1) more broadly attributes it to the industrial revolution. While these goods and trends are still working

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<sup>159</sup> ‘Legislated equality’ is defined as formal equality as legislated by governments and recognized by courts of law. ‘Real equality’ is the actual amount of equality in how people behave on a day-to-day basis. For example, ‘legislated equality’ would hold a manager accountable for discriminatory hiring practices while ‘real equality’ means the manager would not even think of race, gender, etc. in assessing candidates.

through society, much remains to be done,<sup>160</sup> and human intervention is needed to ensure it goes well.

There is also a more personal element to it. As Edward Miliband (2005: 44-45) writes:

This is where self-respect comes in – everything we know suggests people define their own self-worth in life relative to the community and the wealth of the community. So it's not much reassurance to the person struggling on welfare that they may be better off than the average of a hundred years ago, because what they see around them is the wealth of today.

Part of this is psychological. People compare themselves to their fellow citizens. But part of it is not just psychological: it is real. A society is shaped and defined around the position of the majority, and for those left out the effects can be corrosive. For example, if you don't have a car today in America, your ability to lead a full life is restricted since shops and entertainment will often require access to private transport. So poverty and position cannot be treated as absolute concepts but have an important relative component.

Thus, while the amount of change needed to make the world a more morally just place is incredibly large, it remains important.

#### **IV. The impossibility of it all**

Reviewing human history, as section II of this chapter did, one becomes encouraged by the incredible amount of progress society has made. Yet when one turns and looks at what remains to be done, it can seem quite discouraging again. This section explains some of the obstacles to implementing equality of opportunity for all children, although the remainder of the chapter will explain how and why it can be done.

##### *Arguments of self-interest*

Helping others requires people to resist a specific, narrow definition of self-interest since, under this view, help is a zero-sum game, and assisting someone else worsens the helper in terms of time, material resources, energy, etc. Yet Jeffrey Sachs (2005: 360-364) is optimistic that materialistic societies in the United States, Europe, Japan, and other wealthy nations can go against their perceived self-interest and actually help in ending extreme poverty, citing examples such as the

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<sup>160</sup> For example, as of 2009, 27% of people in the developing world – and 58% of people living in Africa – remain without access to electricity (IEA 2011).

end of slavery and colonialism as well as the civil rights and anti-apartheid movements. He argues that all of these accomplishments share the same characteristics: the need for the rich and powerful to help the poor and helpless, the appeal to enlightened self-interest, the need for mass education as part of the vision, the decades-long struggle to bring them to fruition, and the sheer perseverance necessary to enable such moral ideals to succeed against seemingly impossible odds (364). He argues that each of these movements appeared hopeless at the beginning yet inevitable after they came to fruition (ibid).

Alternatively, this narrow view of self-interest is simply not in line with the empirical data available, and people often behave in ways contrary to this view. Refer to Chapter 10 for an extended discussion of this topic.

### *Inertia and indifference*

It is likely that many non-philosophers would not strongly object to the ideas contained in this dissertation. The average citizen is likely to agree that children should generally be helped, especially since the protection of children is a fundamental value held in most societies (see Chapter 7). Yet there is a large difference in agreeing with an idea and actually acting on it.

Inertia has long concerned philosophers. In *On Liberty*, John Stuart Mill (2005: 38-39) voiced concerns that people's indifference to ends actually limits the expression of the individuality he considered essential to liberty. This indifference also concerns policy makers, especially since empirical evidence shows people often do not act upon the principles they support. For example, as Peter Singer (2009: 70) highlights, a study published in *Science* magazine found that, despite overwhelming support, citizens in many nations did not choose to opt-in to organ donation schemes, despite the fact that doing so involved minimal time and effort (Johnson & Goldstein 2003: 1338-1339). In fact, the highest participation rate in an opt-in scheme was 28% (1338). However, in countries in which opt-out systems were routine (i.e., the default option was to donate organs and individuals must expend minimal time and effort if they did not want to do so), the lowest participation rate was 86%, with many rates close to 100% (ibid). Such discrepancies in outcomes imply inertia is the primary difference between them, which makes the full implementation of an equality of opportunity difficult since it requires greater time and energy than opting into or out of organ donation.

One of the reasons for this inertia may be a lack of understanding of the actual suffering others endure. They are the ‘other’, living ‘far away’ and ‘over there’. Because the immediacy of the situation is not seen, people do not understand the need to act. As Mary Anne Warren (1997: 12) writes,

The second obvious fact about us [human beings] is that we have a natural capacity to care about other living things, both human and non-human – and sometimes things that are evidently lifeless, such as stones. Human beings who have not been psychologically or neurologically damaged are strongly inclined to care about many of the beings with which they interact, and to want to protect them. Most of us could not hear a child or a kitten crying from pain or fear, without wanting to help if we could.

Thus, while it is in most people’s natural capacity to help others, the distance between the situation of those who need assistance and those who are able to provide it may exacerbate the inertia that so often concerns philosophers.

#### Narrow-mindedness

Narrow-mindedness and ignorance also play important roles in some people’s reluctance to help others, and this prejudice often arises not with race but socioeconomic status. Phrases evidencing this mindset include ‘people are poor because they make bad decisions’ and ‘even if they had help, they wouldn’t change’. While this may be true for certain individuals, as Chapter 3 sought to show, people are often poor because of circumstances well beyond their control. Yet ignorance of this fairly basic fact pervades society and prevents people from helping those in need.

#### Limited resources

Although the latter part of this chapter discusses the abundance of resources available to implement an equality of opportunity for all children, these resources are not unlimited, and prioritizations must be made. First, priorities must be made between helping children and funding other worthy causes (e.g., cancer research, microfinance). While Chapter 2 argues children should often be made the priority because of their innocence, we must employ *phronesis* when other causes compete for time and resources.

Secondly, difficult decisions on which children to help first must also be made. For example, extensive resources may only marginally benefit someone who is severely handicapped (Murphy 2000: 103) while those same resources could benefit many children in a poor school. Thus,

should assistance be rendered based on the intensity of need or the largest number of people that can most effectively be helped?<sup>161</sup> Deciding these answers will lead to a controversial prioritization of resources and requires significantly more research.

### Reaching the most marginalized

Even if priorities were clearly delineated, reaching the most marginalized children is significantly problematic since it does not help to have programs if the disadvantaged cannot access them. It is well documented that children living in rural areas are significantly more likely to be severely deprived of food, safe drinking water, shelter, and education than those living in urban areas (Gordon et al 2003: 50). This is largely because children living in urban areas are much easier to reach than those living in rural ones. This difficulty is not only due to lower population density and lack of infrastructure but also important differences in language and culture.

Education is an excellent example. While the number of appropriately aged children not attending school declined by 33 million between 1999 and 2007 most of that occurred between 2002 and 2004 (UNESCO 2010: 55-56). This slowdown in momentum shows the difficulty in reaching remote and marginalized populations (ibid). Not only is it harder to find qualified teachers for certain languages and groups, it may also be difficult to build a school within a reasonable distance to these children (191).

Such an example highlights a difficulty related to the previous subsection on prioritization: the issue of limited resources. Because of the important difference between average and incremental costs (Devarajan, Miller, & Swanson 2002: 27), it is far more difficult and costly to reach the last 10% than the first 10% since the first 10% tend to be low-hanging fruit.

### Government corruption

As discussed in Chapter 4, when aid flows through governments, corruption is often problematic, and aid money is largely wasted in countries with weak institutions (3). For example, *The Economist* (2010j) cites an unnamed study that found 70% and 80% of money the Ugandan and Ghanaian governments, respectively, allocated for drugs and supplies disappeared before reaching the intended recipients. Such examples of corruption are cause for significant concern, particularly when there are not other ways to reach those in need (e.g., Myanmar, North Korea).

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<sup>161</sup> Kent (2005: 230) raises this point in the context of alleviating hunger, but it is equally as applicable here.

*Inefficiency and waste by private donors*

Although much of the attention surrounding ineffective and wasted aid focuses on governments and NGOs, private donors are responsible for this, too. As William Easterly (2006: 7) notes, ‘poor people die not only because of the world’s indifference to their poverty, but also because of ineffective efforts by those who do care’.

‘Volunteer trips’ are one such example. Tori Hogan, founder of Beyond Good Intentions, a charity-watchdog organization, recounts a group of tourists who decided to build public toilets in a Peruvian village (Zaslow 2010). After running out of both money and time, the group left, leaving villagers to refill the large holes as a result of safety concerns (ibid). Because of instances such as this, Ms. Hogan contends it is sometimes better to simply not help than to provide ineffective help (ibid). Arguing ‘your heart is in the right place’ is not an excuse for such ineffectiveness, says Ms. Hogan (ibid).

*Recipient selfishness*

Although much of this dissertation has focused on how to overcome donor selfishness and inertia, these issues can also be true of recipients. As Anton van Niekerk (2005b: 106) writes, ‘Too often we see circumstances where, for the sake of justice, good is done by the rich for the poor, only to be met by selfish, irresponsible and thoughtless acts of negligence or squander which nullify the justice-enhancing effects that could have been achieved by the good that was done’. While van Niekerk writes in the context of healthcare, his comments are equally applicable here.

*Recipient refusal*

A final difficulty in realizing an equality of opportunity for all children is that they or their guardians may not attempt to obtain help or refuse it when offered. While this is probably a small minority, it is still problematic.

In early 2010, the World Food Programme ceased distributing food aid to southern Somalia as a result of ongoing attacks on its personnel, a decision consistent with CARE International and Doctors Without Borders’ reasons for withdrawing from the area (The Associated Press 2010). Armed groups operating in the failed state made increasingly unreasonable demands, including requirements for protection money for the WFP’s groups and the removal of women from its teams (ibid). While some of these groups have withdrawn these demands in light of the 2011 famine (The Economist 2011), such actions still raise important issues. First, it highlights how ide-

ology can limit the amount of assistance that will be received. When such ideologies conflict with our values of equality and tolerance (e.g., women on teams, interfaith assistance), do our principles or the children receive priority? Secondly – and more worryingly – if such issues arise with critical food aid, what will be the acceptance of an equality of opportunity?

In examining non-critical food aid, recipient issues also arise. For example, 68% of households in the United States classified as food insecure during 2008 knew of a food pantry in their area but declined to use it (Nord, Andrews, & Carlson 2009: 33). Similarly, the Washington Post reported a Philadelphia school that offered free breakfast but found many low-income parents failed to bring their children early enough to eat it (Goldstein 2009). Children may have their own reasons for refusing help. In sub-Saharan Africa, for instance, children may choose to head households out of fear of being separated from siblings at orphanages, a desire to retain family property, or a (not unfounded) fear of being mistreated in a foster home (Bequele 2007: 4). While some of these issues can be overcome, it will take significant time and effort to effectively render aid.

## **V. The possibility of it all**

Given such obstacles, is the realization of an equality of opportunity for all children actually feasible? There are those who will never be convinced. For Nietzsche, for example, ‘to want to abolish strife, suffering, and defeat is just as uncomprehending and futile as it would be to want to abolish bad weather’ (Magee 2001: 175). Yet, as described earlier in this chapter, historical evidence proves otherwise. As a result, the latter half of this chapter will focus on why the implementation of the ideas contained in this dissertation are feasible.

### *The prioritization of assistance*

Prioritization of assistance is important not only because of limited resources but also because effective large scale implementation often requires skills and knowledge that are first built from a smaller base. As the previous section noted, such prioritization is a somewhat difficult task that needs greater research. That said, there are certain steps that can already be taken.

A study on the poor’s giving patterns in southern Africa found that those who are the least able to provide for their own needs are given priority status when help is distributed (Wilkinson-Maposa et al., 2009: 42). This seems reasonable and gives rise to the first step of prioritization: those areas resulting in irreversibly negative effects on children must be addressed first. This includes malnutrition (which permanently affects cognitive function), vaccinations (childhood



diseases may permanently maim or cripple a person), and other basic necessities. While the second step would seem to be education, exactly how this should be distributed (e.g., do we focus on many children through primary school or fewer children through secondary school?) is an area in which more research is needed.

*The starting point: a vast knowledge base*

Encouragingly, governments and NGOs have already built a significant knowledge base on how to provide the types of assistance described in Chapter 8. In other words, we often already know the root causes of an issue and how to solve it; it is just a matter of obtaining the resources needed for implementation. This subsection will briefly describe the areas in which a vast knowledge base already exists.

Nutrition: It appears NGOs already know how to effectively alleviate malnutrition and hunger. For example, UNICEF (2009d: 33-34, 37) has detailed intervention strategies to alleviate chronic child undernutrition and asserts ‘experience shows that it is entirely feasible to scale up nutrition programmes and achieve marked improvements in caring behaviour and practices, especially when there is strong government leadership and broad supporting partnerships’. Also, George Kent (2005: 113) claims because small children tend to eat only small quantities of food, they can be fed quite economically, even in significant numbers.

Healthcare: While approximately 30,000 children under the age of five die each day, many of these deaths can be prevented by increasing the use of vaccines, dehydration and diarrhea treatments, bed nets to prevent malaria, and vitamin supplements (Save the Children 2005). According to UNESCO (2010: 47-48), ‘rapid progress is possible’. The measures are affordable and feasible to implement (Save the Children 2005), with funding being the largest obstacle.

Education: In a report on education, UNESCO (2004: 17, 48) discusses the specific components its research has shown are necessary for a quality education, including sufficient time spent studying a subject, homework, textbooks, language of instruction, etc. This education carries a relatively modest price tag and is feasible even within poor countries (17). In 2006, the agency estimated it would cost an additional US\$11 billion annually to achieve universal primary education (UNESCO 2006: 102), a relatively small sum.<sup>162</sup>

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<sup>162</sup> While US\$11 billion is by no means paltry, it pales in comparison to many other routine expenditures. For example, in 2010, the United States spent US\$687 billion on military expenditures, and China spent US\$114

Child labor: According to the International Labor Office (2006: 5), it is possible to end child labor relatively soon, although the organization does not provide a specific estimate. The organization states, ‘Our understanding of child labour – its causes and remedies – is profound. There is over 150 years of accumulated wisdom from all parts of the world to draw on... Indeed, many developing countries today have been able to benefit from the experience of the first industrial nations to introduce laws and programmes at a faster pace than they did’ (1). As discussed earlier in this chapter, the rapid decrease in child labor supports the ILOs claims for the knowledge base it has and its effectiveness in implementing it.

Children affected by HIV/AIDS: HIV/AIDS continues to affect the lives of millions of children. According to UNAIDS, UNICEF, and USAID (2004: 5, 16), there is significant knowledge surrounding the issues faced by children left vulnerable by the epidemic (e.g., children left orphaned by parents who die of the disease), and agencies understand how to properly respond to them.

#### Encouraging trends

In addition to this vast knowledge base, there are social trends that render applying this knowledge far more likely. Rising wealth in developed nations seems to have led their citizens to look outward, which has resulted in a large social consciousness movement.

Individual social responsibility: Individuals appear to be giving greater amounts of both time and money. For example, according to the Corporation for National and Community Service (2006: 5), people in the United States are showing an increasing interest in volunteering. Although their numbers fell between 1974 and 1989, the number of adult volunteers in America has increased significantly since then and are, despite a recent decline due to economic weakness, near historical highs (CNCS 2006: 2). According to the agency, 2008 saw 62 million people (26% of the population) contribute ‘8 billion hours of volunteer service worth \$162 billion’ (CNCS 2009: 1). Furthermore, an increasing number of young adults consider it important to help others in need (2).

Changes in the media have strengthened these trends. For example, a recent article in *The New York Times* reported a number of people who began their own NGOs, and it claimed the internet

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billion on the same area (both based on constant 2009 USD) (Stockholm International Peace Research Institute 2011).

and social media allowed such concerns access to resources they would not otherwise have (Kristof 2010).

The access to resources also reflects generous philanthropy by the wealthy. In June 2010, for instance, Bill and Melinda Gates and Warren Buffett launched a campaign to persuade billionaires to donate at least 50% of their wealth to charity (*The Economist* 2010e). Since half of the total net worth of America's billionaires amounts to \$600 billion (ibid), this could do considerable good.

Corporate social responsibility: Corporate social responsibility has also increased considerably in recent years. Firms are no longer solely assessed on their financial position but also on how they interact with and respond to the communities in which they operate. This impacts the decisions both companies and investors make.

The trend began in the 1990s when activists brought international attention to questionable activities directly or indirectly perpetuated by multinationals (e.g., child labor in the garment industry, conflict diamonds in mining) (ILO 2006: 68-69). The resulting attention brought such issues – and corporations' involvement in them – to the forefront of people's minds. According to Ainar Aijala, a global managing partner at Deloitte Touche Tohmatsu, both clients and top-tier recruits are now coming to expect corporate social responsibility from major firms, stating 'if you want to be successful, it requires placing [social initiatives] right at the core' (Dizik 2009).

Institutions that support such initiatives are strengthening. For example, organizations such as the Committee Encouraging Corporate Philanthropy and the Overseas Development Institute act as valuable sources of research and best practice dissemination for corporate social responsibility. This helps ensure corporations are better able to make use of the resources dedicated to socially responsible activities.

Investors have also responded, and the idea of 'social capital markets' – meaning companies should be socially responsible while making a profit – is gaining tremendous ground. In fact, a new asset class for impact investing for assets whose returns would be measured on a combination of financial results as well as social or environmental benefit has recently been launched (*The Economist* 2009g). Impact investing is appealing for two reasons. First, impact investments tend to concentrate on developing countries whose growth is expected to outpace developed ones (ibid), which translates into better returns. Secondly, demand is increasing for profits generated

in socially responsible ways (ibid). While this is not new, it has become far more mainstream on both the supply (e.g., major financial institutions offering socially responsible portfolio investments) and demand (consumers and institutions who want to invest responsibly) sides (ibid).

### *Economic/financial feasibility*

While previous subsections focused on the knowledge and behavioral trends that make implementing an equality of opportunity for all children feasible, this subsection will examine the economic and financial feasibility. As George Kent (2005: 4) notes, 'A child may have the misfortune of being born in a poor country, but that child is not born in a poor world'.

### *The cost of these ideas*

Some critics perceive the world to be in such a sour state that attempting to help the poor and disadvantaged is simply economically unfeasible (see Murphy 2000: 11). Empirically, however, this is not true.

The sums involved are relatively small. For example, one study showed increasing education spending by 1% of developing countries' GDP and maintaining it at that level would increase school enrollment rates from 90% to 99%, decrease child mortality rates by 14%, and increase annual GDP growth per capita by 1.4% between 2000 and 2015 (Baldacci, Clements, Gupta, & Cui 2008: 1335). UNESCO (2010: 125-126) estimates it will cost US\$36 billion (based on constant 2007 US\$) to achieve basic education goals.<sup>163</sup> Pies Descalzos ('Barefoot'), recording artist Shakira's Colombian foundation, provides food, education, and counseling to thousands of Columbian children for less than \$2 per child per day (Shakira 2009).

In fact, at the turn of the 21<sup>st</sup> century, UNICEF (2000: 1) estimated it would cost only \$80 billion per year to feed, clothe, educate, and provide basic healthcare for all disadvantaged children. To put this into perspective, by some estimates, individual donors in the United States alone give at least \$163.5 billion to charity (Banjo 2009) (see next subsection). Thus, the sums needed to implement these ideas are large but manageable.

It is also important to note helping disadvantaged children is less expensive now than it will be in the future due to fewer children and the expected higher tax revenues and lower social payments

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<sup>163</sup> Only US\$12 billion is currently spent on these initiatives.

that result from a more productive society. The longer we wait to act on these ideas, the higher the aggregate cost will be.

#### *A brief description of the resources available*

Given these costs, what types of resources are available? While this subsection does not provide an exhaustive analysis, it gives a high-level overview of the charitable giving currently reported, which will in turn provide a rough indication of the resources available to implement these ideas.

It is important to note data on private charitable giving can be difficult to obtain. Figures reported to the OECD are, according to Michael Klein and Tim Harford (2005: 48), ‘patchy’ or ‘implausible’. Furthermore, data on private giving may be counted twice: first when the funds are donated to an NGO and again when that NGO dispatches the funds elsewhere (Radelet as cited by Klein & Harford 2005: 48). As a result, this section primarily focuses on charitable giving in the United States since data is (1) easier to obtain and (2) more reliable.

Despite a weak economy, U.S. charitable contributions totaled \$304 billion dollars in 2009 (The Center on Philanthropy at Indiana University 2010b: 5). Of this, individual giving alone totaled \$227 billion, or 75% of the total (ibid). When combined with bequests and family foundations, the total rises to \$267 billion, or 88% of total charitable contributions (ibid). In fact, even after adjusting for inflation, U.S. charitable giving has steadily increased since 1969, with especially large jumps in the late 1990s and early 2000s (16). That said, as a percentage of GDP, U.S. charitable giving has remained fairly steady over the past decade at just over 2% (17).

While such large sums are encouraging, the money often does not go to the world’s poor. For example, an earlier study focused on charitable giving in 2007 reported 75% of high net worth individuals made charitable contributions to education and 27% of all high net worth giving flowed to educational organizations (The Center on Philanthropy at Indiana University 2009: 6); however, only about 15% of total giving to educational causes was directed towards helping the poor (The Center on Philanthropy at Indiana University 2007: 24).

In fact, a mere 3.7% of high net worth giving was directed toward organizations concentrating on meeting people’s basic needs, with only 1.5% flowing to organizations focusing on interna-

tional aid (The Center on Philanthropy at Indiana University 2009: 25).<sup>164</sup> Instead, more money flowed to the arts (4.2% of all giving) (The Center on Philanthropy at Indiana University 2009: 25), almost none of which is estimated to flow toward helping disadvantaged individuals (The Center on Philanthropy at Indiana University 2007: 25). Sadly, Americans' low level of giving to international aid is partially due to their incorrect belief that they make higher levels of charitable contributions than other countries, which makes them reluctant to give to international causes (Kull et al., 2005: 2).

Yet the trends are encouraging. While still a small percentage of the total, U.S. charitable contributions for international affairs are increasing, reporting an inflation-adjusted, two-year cumulative increase of 3.6% between 2007 and 2009 (The Center on Philanthropy at Indiana University 2010b: 12). Although starting from a much smaller base, this increase far outpaced giving to other causes (e.g., religion, the arts, environmental concerns) (*ibid*). In fact, individuals, foundations, and corporations are showing an increasing interest in charitable contributions towards international affairs, which is defined as development, aid, and relief (13, 15).

Increases in private giving are necessary since government-sponsored contributions to aid are not encouraging. Net official development aid from DAC countries (Development Assistance Committee) totaled just \$121 billion for 2008 (OECD 2010b). While rich nations are supposed to give a UN-set target of 0.7% of GNI toward development aid (*ibid*), their actual giving falls woefully short. In fact, OECD countries give an average of just 0.49%, with many of the wealthiest nations giving the least (*ibid*). For example, Germany, Japan, and the United States, three of the world's wealthiest nations, give very little, with the first directing just 0.38% of GNI toward development aid, and the latter two only 0.19% each (*ibid*).<sup>165</sup>

Yet even this is a large amount of money in comparison to the funds needed to implement the ideas contained in this dissertation. As the previous section discussing costs showed, the cost of providing an equality of opportunity to all children are not outrageous. In fact, private giving in the U.S. alone would cover most if not all of it, if only it were directed differently. The final sections of this chapter briefly discuss how to motivate individuals to fulfill their obligations to children.

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<sup>164</sup> Although international aid is often directed towards the poor, this is not always the case (The Center on Philanthropy at Indiana University 2007: 35-36).

<sup>165</sup> For the United States, 0.19% of GNI translated into only \$27 billion in net official development aid during 2008 (OECD 2010b)

## VI. Steps to implementing these ideas

Once again, the purpose of this chapter is not to provide a detailed plan for implementing an equality of opportunity for all children. Instead, it is to provide a high level overview of the costs involved versus the resources available for these ideas as well as a few suggestions on how implementation may be pursued. This section focuses on those suggestions.

### Patience

The most crucial element in implementation is patience. Widespread acceptance of new ideas simply takes time. As David Landes (1990: 11) notes, ‘Values and attitudes do change, but slowly, and their force and influence vary with circumstances’. For example, it took 200 years for the idea of the equal moral status of persons (i.e., the moral arbitrariness of economic and social status, gender, race, and, more recently, sexual orientation) to disseminate into general morality (Bittner 2001: 24). While the trends discussed earlier in this chapter likely mean it will not take 200 years for widespread acceptance of the idea of an equality of opportunity for children, patience and a long-term view are necessary to transform these ideas into reality. As Malfrid Flekkøy (1992: 147) exhorts,

Finally, we need patience. History has shown that attitudes to children do change, not always for the better. It may be important to be aware of the changes, to be able to encourage progress and not be too disappointed or frustrated by occasional regressions or setbacks.

### Raise awareness

Awareness is another crucial element. How can people take action if they are not properly educated on the issues involved?<sup>166</sup>

A substantial amount of sociological literature decries what Geof Wood (2003: 460) calls ‘the vested interest of the rich in prevailing structural inequalities’, yet it is highly doubtful such accusations are correct. Instead, it is far more likely the issues involved in motivating the rich to help the poor are simply too abstract and removed from them to necessitate action. In other words, it is highly unlikely that a large group of better-off individuals are consciously thinking, ‘No, let impoverished children continue to suffer and adults go without food. We want a nicer car.’

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<sup>166</sup> One example of people changing negative behavioral patterns after education is in child labor. A key to success in eliminating the practice has been to educate families on its harmful effects (ILO 2006: 31). This, in turn, has increased parents’ motivation to keep children in school because they better understand the long-term implications of both child labor and education (ibid).

Instead, as stated before, it is far more likely people who are better off are simply too far removed from the situation to understand the need for action. As Joel Bolnick (2007: 317) writes,

...the rich and the powerful are by the very nature of their material privilege almost completely screened from the misery of the poor. ... The problem in building the bases for poverty eradication is that we are not all subjectively affected by poverty. What is worse, those who *are* subjectively affected, and therefore have the material motivation and the will to address the enormous challenge, do not have control over the resources, technologies, knowledge, and instruments of regulation required to eradicate it.<sup>167</sup>

In line with this, Thomas Scanlon (1998: 347-348) recognizes individuals in certain societies may have difficulty appreciating just how immoral certain inequalities or practices truly are. While they may try hard to be moral individuals, insensitivity arising from familiarity with the situation or a simple lack of understanding of the true moral facts may lead the individual to do less to rectify the situation than he actually should (ibid). While this individual remains blameworthy for not meeting the actual moral standards, it is a qualified, though not eliminated, blameworthiness (348). As Scanlon notes, 'Particularly if they have not engaged in this kind of reflection, people often have differing, and perhaps flawed, understandings of important moral notions that serve as starting points for, and fixed points within, their moral thinking' (359).

Over the past 30 years, philosophers have shown an increasing interest in grappling with these starting points and are ever more concerned with the issues surrounding global justice (Beitz 2005: 11). Charles Beitz (2009: 13) argues our understanding of the descriptive scale and content of suffering is one of the primary factors in our increased general and philosophical interest in this area. If the significant progress being made in the philosophical thinking and conclusions surrounding global justice can be disseminated to the population at large, people's behavior patterns will be more likely to change.

Thomas Nagel (1991: 96) rightly argues 'transformations in our tolerance of inequality can occur', offering our changing views on overt racial and sexual discrimination as examples. He proceeds to argue an important step toward creating an egalitarian society is to make people uncomfortable if their economic advantages are due to birth advantages in the same way they

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<sup>167</sup> This issue can also be approached from a different direction. For example, an elderly Mozambican woman observed, 'Someone who knows suffering knows how painful poverty is' (Wilkinson-Maposa, et. al 2009: 37).



would be uncomfortable if it were due to race or gender (111). While such changes in thinking may be difficult, they are not impossible.

In order to raise people's awareness of their obligations to the less fortunate, we must balance the moral imperatives found in these arguments with the psychological ability of people to accept them. As Thomas Nagel points out, we do not criticize scientific theories on the basis that people cannot understand them (22). At the same time, if we present moral arguments that no one understands, they will not be followed, and what is the purpose of a moral rule if no one abides by it? To again quote Nagel:

The central point is this. Justification in political theory must address itself to people twice: first as occupants of the impersonal standpoint and second as occupants of particular roles within an impersonally acceptable system. This is not capitulation to human badness or weakness, but a necessary acknowledgement of human complexity.

Thus, what are the practical steps to raise awareness? The first is to educate people on the general nature and scale of suffering others experience and, in line with this, demystify the concept of the 'other'. After that, people must be enabled to understand the consequences should they not choose to act.

The media is a vital part of educating people on the nature and scale of human suffering that exists because of arbitrary reasons such as nationality and birth into a specific socioeconomic class. Images of large scale human suffering often change public opinion, although a responsibility still exists to ensure these changes in opinion translate into behavioral changes that work to alleviate the issues (Wheeler 1996: 31). In fact, the ILO (2006: 76) credits the media as key in motivating other actors, including the research community, to address the issue of eliminating child labor.

Part of raising awareness also includes demystifying the concept of the 'other'.<sup>168</sup> What is the 'other'? The 'other' is the vague knowledge a certain group of people hold about others not part of their immediate social circle, socioeconomic class, or geographic community. This knowledge has generally not been reflected upon, and if misinformation is present, it is reinforced by infor-

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<sup>168</sup> Media also plays an important role in this, with Amartya Sen (2009: 354) arguing it can educate people on their shared humanity.

mal social separations.<sup>169</sup> Views about the ‘other’ are often extrapolated from a person’s experience in a specific socioeconomic class (see Sen 2009: 197) and generally do not reflect other people’s realities. For example, money may increase individualism by allowing a person to pursue his own goals and as a consequence, decrease communal cooperation by decreasing the need to rely upon others (Vohs, Mead, & Goode 2006: 1154). People who experience this may then hold the belief that people should not need to rely on others for help without realizing most other individuals never had the opportunity to access the resources necessary to increase individualism. Because they do not regularly come into meaningful contact with others who are able to counter such beliefs, the individual’s false understanding of communal help continues unopposed.

Even when the understanding of the ‘other’ is accurate, it is often not enough to provide motivation for action because such knowledge tends to be factual and theoretical, not real and present. For example, Peter Singer (2009: 46-50) cites research showing people are more likely to give – and in much greater amounts – if the victim is identifiable (e.g., a face is shown or a personal story told) than if they are simply presented with a set of statistics.

Shelly Kagan presents a framework for what she calls vivid and pale beliefs, and it applies well to this idea of the ‘other’. According to her, people have two categories of beliefs: (1) vivid and (2) pale (Kagan 1989: 283). Pale beliefs are beliefs people hold to be true but do not actually act upon because their importance is not fully appreciated (*ibid*). Vivid beliefs, on the other hand, are beliefs whose significance people fully understand and recognize (*ibid*). Because a person understands the significance of the implications of these beliefs, (s)he is motivated to act upon them (*ibid*).

Vivid and pale beliefs are not a dichotomy but a continuum (284), and pale beliefs can be transformed into vivid ones either through external stimuli (e.g., looking at pictures; seeking out more information) or internal reflection (e.g., reflecting upon the full implications of the beliefs) (284-285). The implication of Kagan’s framework is the ability to demystify the ‘other’ through factual education and critical reflection. In fact, Kagan argues this is why the Golden Rule or Kant’s Categorical Imperative is so effective – the critical reflection involved allows an individual to increase the vividness of another person’s situation (297). Stated differently, people can be

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<sup>169</sup> Unlike a formal – or legislated – separation between social classes (e.g., apartheid), informal separation occurs due to the inability to access the same jobs due to educational attainment, same geography due to housing that is often separated by affordability, or same social circles simply given that most people meet through mutual acquaintances. In other words, the separation often occurs not from malice but from career, educational, and other social structures that influences the interactions between people.

motivated to overcome their self-bias and act in accordance with a more objective and impartial standpoint by increasing the vividness of their beliefs.

Empirical support exists for such a view. A psychological research study from the University of California, Berkeley found a causal link between people's lower social ranking and their increased support for charity (Piff, Kraus, Cheng, & Keltner 2010: 6). The study also found individuals with lower social rankings tend to be more concerned about others' welfare and presented evidence that such concern gives rise to compassion, which in turn increases charitable support (8, 10). Interestingly, when individuals in higher social classes were led through an exercise that induced compassion, they also became more giving (*ibid*). This means no unbridgeable compassion difference between social classes exists (*ibid*), and reinforces the idea that inducing higher levels of charitable contributions from people in higher social classes may simply be a matter of education.

That said, limits exist. It is likely impossible for someone to assume and maintain a completely objective standpoint at all times (Kagan 1989: 300, 317-318). Still, while it would be counterproductive to attempt to make all of our beliefs completely vivid as a result of the investment in time and resources involved, there is a significant amount that can be done in raising awareness on the plight of disadvantaged children across the world. Through various media and educational campaigns, organizations such as World Vision and Invisible Children have made significant progress in doing so.

In addition to educating people on the plight of others and transforming pale beliefs into vivid ones, people must also be educated on the waste they unnecessarily produce. Such waste is not limited to questioning the need for \$10,000 dresses but involves waste people are not fully conscious they produce. For example, 40% of the food grown in the United States each year is lost or discarded (Gay 2005). Sadly, half of the discarded food could have safely been consumed (*ibid*). In fact, 14% of food thrown away in households was still in its original packaging and had not yet passed the expiration date (*ibid*). Of the edible food that was discarded, dry packaged (e.g., dried pasta noodles) and canned goods, both items that keep a long time, comprised 34% and 19% of waste, respectively (*ibid*). Fast-food restaurants discarded 10% of their food, although this number rose as high as a shocking 50% at smaller chains (*ibid*). In fact, fast food waste costs \$30 billion to \$35 billion annually (*ibid*). Furthermore, almost 30% of the annual orange crop is lost each year, and 10% of the broccoli, cauliflower, and celery crops rot in the

fields (ibid). Thus, educating people on the amount of waste they produce allows them to understand the suffering they could alleviate if those resources were used elsewhere and should assist in motivating them to use such resources more effectively.

Another factor in enabling people to understand the need to use their resources effectively is to educate them on the consequences of not doing so, although this concept ties into the idea of turning a pale belief into a vivid one. For example, people may know that there is a famine in East Africa, but they are more likely to help once they learn their donation of x amount will prevent y people from dying of starvation. In other words, understanding concrete results of action or inaction can be a powerfully motivating force.

### *The importance of public opinion*

The previous subsection examined how people can be motivated to help others by transforming pale beliefs into vivid ones. Such efforts to appeal to a person on an individual basis should be complemented by also transforming the context of the society in which they operate. In line with this, Peter Singer (2009: 166) contends how much people are willing to give ‘will depend on the way in which we appeal to people, and on the institutional structures and social practices under which we live. Until we have tried to change these structures and practices...we cannot really know how much people may eventually be willing to give.’

In fact, many moral thinkers argue society has an important role in motivating individuals to act in accordance with certain moral principles. While John Stuart Mill’s *On Liberty* (2005: 7 & 10) correctly cautions against the ‘tyranny of the majority’ and ‘moral coercion of public opinion’ since an unhealthy view of morality can result in too far an infringement on an individual’s liberty or a society that encourages morally unacceptable behavior (e.g., slavery in the southern United States during the first half of the 19<sup>th</sup> century), there is also a place for society to encourage pro-social behavior. This is partially because, as John Stuart Mill (2005: 41) observes, some people tend not to think for themselves but instead ask what society expects of someone in their socioeconomic class or position. A society that expects interaction and cooperation between its members will thus be healthier than one that takes no or only weak positions on such things.

It is likely society’s current expectations are lower than they should be, and people would be more motivated to act beneficently if society’s expectations were higher (Kagan 1989: 397; Silverman 1977: 173). While Daniel Callahan (1981: 25) contends people should be able to act as

they choose within certain limits, he also argues it is incumbent upon society to tell individuals when they are behaving outside of acceptable moral norms. In fact, it is through this type of sanctioning that child and spousal abuse became unacceptable behaviors in most of Western society.

How do we change societal expectations? First, we must educate and more widely publicize the harmful effects of certain forms of excessive consumerism. To be clear, this dissertation takes no position on the morality of buying a \$200,000 car, just as it takes no position on drinking a chocolate milkshake. However, just as it is clearly excessive to drink five chocolate milkshakes for breakfast, it also seems excessive for one person to own five \$200,000 cars, especially when that money can be used to save lives. As Peter Singer (2009: 159) writes,

It's time we stopped thinking of these ways of spending money [i.e., mega yachts] as silly but harmless displays of vanity, and started thinking of them as evidence of a grievous lack of concern for others. We need an ethical culture that takes account of the consequences of what each of us does for the world in which we are living, and that judges accordingly.

Once again, media – especially pop media – will likely be a vital part of disseminating these ideas. NBC Universal, the company behind popular shows such as *Law & Order*, *30 Rock*, and *The Office*, has been experimenting with an idea called ‘behavior placement’ (Chozick 2010). Under this concept, shows incorporate subtle ideas such as recycling or exercising in order to influence their audience or increase advertising sales from companies who want to be associated with such behavior. While academic data is not available on the effect such socially conscious actions have on their audiences, anecdotal evidence on non-socially conscious behavior abounds. For example, restaurants featured in *Seinfeld* and *Sex and the City* reported increased business after being featured in the show. Furthermore, some pundits claim the increased visibility of gays on television has led to their wider acceptance of the culture at large.<sup>170</sup> If research proves these pop methods can influence more socially conscious behavior, Hollywood may become an important part of spreading the idea of equality of opportunity to a wider audience.

Another way to spread these ideas is to also show how prevailing ones often do not reflect reality. As discussed in Chapters 7 and 10, those who study economics, finance, or other business courses develop the worldview that everyone always acts within their own self-interests even

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<sup>170</sup> This idea intuitively makes sense since what people see is often what they perceive to be normal even if it does not actually reflect reality. Still, more research is needed.

though this is often not reflected within reality. It is thus important to more strongly oppose these ideas at the institutional level as they are often factually incorrect. Dissipating such inaccuracies will better pave the way to disseminate new ideas.

On the other side, greater attention should also be brought to those who are acting to benefit humanity. Peter Singer (2009: 64-65) cites several examples of research showing people tend to give more when they believe others are also giving more. More widely publicizing pro-social behavior will allow people to understand just how widespread altruism is and be more likely to persuade them to act in accordance with these altruistic social norms.

Giving a voice to those affected by unjust social structures can also change public opinion. Those advantaged by unjust institutional regimes often do not think about it, and those disadvantaged by the system ‘typically lack the resources to understand and protest their condition’ (Pogge 1989: 278). Allowing those who are disproportionately disadvantaged by a system will bring an awareness of it that can change public opinion. Child labor is one such example. When activists began bringing attention to the plight of children in factories manufacturing apparel for major brands (e.g., Nike, Gap), public opinion forced these companies to monitor conditions in these factories and resulted in significant improvement for labor there. Providing a voice for those who lack fair opportunities in life may also change public opinion in a way that persuades people to act in more pro-social ways.

Changing public opinion is not simple, particularly when it needs to be accompanied by a change in behavior. For example, Boulder, Colorado, a liberal, green-minded university town in the United States, found that, despite extensive philosophical support for a plan on reducing residential greenhouse emissions, people were reluctant to take action either because of doubts of how much impact they as individuals could have or sheer inertia (Simon 2010). Instead, the city’s report on the plan concluded that voluntary action failed to generate significant results (*ibid*).

Yet, as the first part of this chapter conveyed, there is a difference between the difficult and the impossible, and significant progress can be made. Thus, while it may be difficult to change public opinion, it can be done, and we simply need the patience and persistence to do so.

*Provide people with the opportunity to help, whether through time or money*

Disseminating the ideas contained in this dissertation to the population at large will not help if they are unaccompanied by opportunities for action. Because people of different socioeconomic classes often do not have anything other than transactional interactions, those who are more fortunate may not be aware of opportunities to help those in need. Nicholas Kristof (2010) describes the lack of channels to connect the number of people who want to help with the number of people who need help as a 'market failure'. However, there are several ways to overcome this failure.

Increase the number of NGOs: Communities with more NGOs per capita are also more likely to have higher volunteer rates (CNCS 2007: 3, 8). Interestingly, the Corporation for National and Community Services (2006: 5) implies NGOs' need for volunteers actually increases interest and participation in volunteering. Although counterintuitive on first glance, it seems logical. People may not think of volunteering until approached, and they are more likely to volunteer if it is in an area of their own interest. In other words, increasing the number and types of volunteer and donation opportunities should attract a greater number of donations and volunteers.<sup>171</sup>

Furthermore, NGOs often serve as an important filter to identify those who are truly in need. An individual may not be able to assess another individual's need and thus may be reluctant to help. However, if a trustworthy institution is able to make this assessment, the donor may be more likely to give. Since increasing the number of NGOs theoretically increases the capacity to make these assessments, an increase in the number of NGOs again may translate into higher donation and volunteer rates.

However, in line with concerns raised elsewhere in this dissertation, increasing the number of NGOs must be done pragmatically. First, because resources are scarce, new NGOs should be cautious in offering the same services another organization already provides to a community. Secondly, new NGOs should try to work with existing organizations when possible to provide a more holistic approach to its services. Such practical steps will reduce duplication and waste.

Increase the accountability, transparency, and relationship-building abilities of these NGOs: It is not enough to increase the number of NGOs if they are not accountable, transparent, and have

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<sup>171</sup> That said, NGOs also compete for scarce resources, so it is important to ensure the services offered do not overlap.



an ability to build long-term relationships with those contributing time and resources. Instead, NGOs are far more likely to succeed if they are highly efficient (*The Economist* 2010f). In fact, wealthy donors expect charitable organizations to operate under sound business practices, spend a reasonable amount of money on overhead, acknowledge contributions by sending a receipt, protect personal information, and be financially transparent (The Center on Philanthropy at Indiana University 2009: 8, 54). In contrast, only 10% of these donors expect public recognition (54). Fortunately, there has been a recent increase in nonprofit organizations such as GiveWell, whose purpose is to assess the efficiency and effectiveness of NGOs and disseminate this knowledge to the donating public.

NGOs must also increase their ability to build relationships with those donating time and resources. Donors are more likely to continuing giving to NGOs when there is a strong relationship (*The Economist* 2010f). Conversely, wealthy donors tend to stop giving to organizations if they began to feel disconnected from them (The Center on Philanthropy at Indiana University 2009: 8, 56). They also stopped giving if they felt the organization solicited from them too often (ibid). Thus, while frequent contact and saying thank you are two ways for NGOs to build relationships with their donors (*The Economist* 2010f), it is important that this is done in a relationally enhancing, not a relationally diminishing, way.

Understand who is most likely to help: Like businesses, NGOs need to understand their target market when making appeals for time and resource donations so they can first capture the low-hanging fruit before extending their appeal.

When NGOs need time resources, they should first target people living in communities with higher average education levels since they are more likely to have higher rates of volunteerism (CNCS 2007: 6). First, more educated individuals are more likely to have the skills and motivation necessary to understand and participate in civic life (7). Furthermore, given that increased education is strongly correlated to higher incomes (OECD 2009: 140), more educated individuals are also more likely to have the material and time resources necessary to participate (ibid).<sup>172</sup> Interestingly, individuals who already consider themselves busy are the most likely to volunteer (6).

The target market for financial donations is not delineated as clearly. While people who are older, more educated, healthier, married, religious, and earn higher incomes are substantially

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<sup>172</sup> It is difficult to determine if communities with higher levels of poverty have lower volunteer rates because poverty discourages volunteering or volunteering has a measureable effect in alleviating poverty (CNCS 2007: 8).



more likely to donate to charity (The Center on Philanthropy at Indiana University 2010a: 6), they donate smaller percentages of their incomes than those who earn less (Greve 2009). In the United States, people classified as being in the lowest income group tend to give beyond their capacity while those living in the second lowest and middle quintiles tend to give at their capacity (ibid). Sadly, people in the highest two quintiles could give two to three times more than they do (ibid). In fact, people in the lowest quintile donated 4.3% of their incomes to charity while those in the highest income quintile gave a mere 2.1%, or less than half of what the lowest quintile gave (ibid). A separate study concluded rural donors in the United States, who often have lower incomes than their urban counterparts, gave a higher percentage of their income (3%) to charity than people living in urban areas (2.6%) (The Center on Philanthropy at Indiana University 2010a: 5). Exacerbating the issue, those who earn less are much more likely to donate a higher percentage of their income to organizations that meet basic needs while those with higher incomes direct a larger proportion of their contributions to status-enhancing cultural institutions such as museums (The Center on Philanthropy at Indiana University 2007: 14). As a result, while the amounts wealthier households donate to charity are larger on an absolute basis, NGOs should not neglect the sacrificial giving made by those who are less fortunate, and such organizations should make appeals to people across the income spectrum.

Encourage those who do not think they fit the typical donor profile: It is also important to educate those who do not think they have the typical donor profile on how they can contribute to creating an equality of opportunity for children. For example, non-volunteers tend to think they are not within the profile of a stereotypical volunteer (e.g., retired or with above-average leisure time), which is a misperception since volunteers tend to come from a variety of backgrounds (CNCS 2009: 3). Furthermore, as related in the previous paragraph, those with higher incomes may not perceive themselves as having as much capacity to donate as they do. Educating people on the variety of people that volunteer and how much those in lower income groups are giving will provide individuals with a different understanding of their own capacity to donate and encourage those who have not traditionally considered themselves inside the system to donate more in terms of both time and resources.

#### *Practice helping by turning awareness into action*

While educating individuals on their capacity to help bring about an equality of opportunity for children is an important first step, this awareness must translate into action since an increase in knowledge unaccompanied by behavioral change only preserves the status quo.

Peter Singer (2009: 152, 162-163) proposes that people who earn at least \$105,000 donate 5% of their income to charity, although he suggests a progressive rate for those earning more. Assuming this donation scheme was adopted by all those eligible, Singer (2009: 165) calculates implementing this relatively undemanding standard would raise \$471 billion per year. To compare, Jeffery Sachs estimates it would take only \$189 billion per year to meet the Millennium Development Goals for eliminating extreme poverty (as cited by Singer 2009: 165).

A few ways in which appeals for donations can be made include:

- Office wide ‘donate a day’s salary’ campaigns;
- Neighborhood or community group campaigns; and
- The ability to automatically deduct charitable donations from one’s salary.

Such campaigns can be reinforced by discussing the percentage of people who have participated in order to reinforce positive behavior by allowing people to see that they are not the only ones involved.

There are, of course, many other ways in which to appeal for donations of time and resources, and many NGOs have already found effective ways of doing so. Knowledge of these best practices should be disseminated across the sector in order to allow each organization to maximize the amount of resources it can use.

#### Measure accountability and success

Instead of vague goals, fulfilling our moral obligations to children will be far more feasible if we set very specific goals and can measurably achieve or fail to achieve them. As part of that, once time and resources have been donated, it is important NGOs are accountable for their effective deployment. Everyone benefits from such a system: donors are assured their resources are not wasted, staff is encouraged because they are able to see progress, and children benefit from the increase in opportunities available to them.

Conversely, a lack of accountability can perpetuate ineffective programs. One OECD study (as cited in *The Economist* 2009f) found only a weak correlation in developed nations’ spending on children and quantifiable measures of the children’s well-being, including education, housing, and participation in risky behavior. For example, the United States spent among the highest

amounts per child but was consistently ranked among the poorest outcomes (*The Economist* 2009f), meaning despite large amounts of funding, the programs are ineffective.

Such outcomes are not limited to the United States. As discussed in Chapter 4, the United Nations finally measured the outcomes of a multi-million program it had implemented to reduce child deaths under the age of 5. In July 2009, UN officials released the results of the study, and they showed no improvement in Bangladesh, the only country in which it analyzed the results (*The Associated Press* 2009). Ironically, some argued that increasing funding to the program would improve results, something that would not be acceptable at a private firm (*ibid*).

Instead, measuring the accountability and success of nonprofit initiatives has several benefits, including:

- A better understanding of what works: A heart full of good intentions does not solve the world's problems. Instead, a rigorous understanding of effective interventions can then be replicated elsewhere and create a broader reach for success. For example, one report argued residential facilities for street children, while well-liked by donors, were not as successful as street-based programs (CFSC 2002: 9). Such knowledge is important in maximizing the effectiveness of solutions to benefit children.
- An effective use of resources: Understanding best practices and publicizing results allows resources to be deployed more effectively. This is important since it is only logical that the obligation to give is significantly weakened or negated if those funds will be wasted (Wenar 2001: 78). Donors have a right to know how much their sacrifice will benefit others, and the donor sacrifice should be less than or equal to the recipient benefit (77-78). Effectively using resources ensures the donor obligations remain strong.
- Increased credibility and donor reassurance: According to Richard Feachem, former head of the Global Fund to Fight AIDS, Tuberculosis and Malaria and now a professor at the University of California, organizations that show they are financially responsible with donor funds and who are able to provide data on the outcomes of their operations are the most likely to receive additional funds and donations (*The Economist* 2010a). Such actions create a virtuous cycle of giving and accountability. Uganda provides a telling example of the effects of publicizing results. When the government began publicizing how much money was being sent to schools in an effort to stop corruption, the amount reaching recipients rose dramatically (*The Economist* 2010j). Such results provide valuable reassurance to donors.

- Increased recipient reassurance: Recipients also benefit from organizations with effective programs and strong credibility. The ILO (2006: 60) notes parents are much more likely to send their children to school if it provides a quality education at no cost and provides additional benefits such as lunch. This increased participation in turns increases the pressure to provide these types of high quality services, which creates another virtuous cycle (ibid).

#### *Focusing on the ideal can detract from achieving the great*

While this dissertation argues for strong obligations to children, it is highly unlikely that all adults with these obligations will fulfill them. If 60% of adults eventually participate, this will seem like a failure against 100%. Yet if that 60% increased from 15%, significant progress has been made and should be celebrated. In other words, partial compliance with a principle is often better than no compliance whatsoever (Raz 1998: 48-49). If person A owes person B \$100, it is far better for person A to repay only \$60 than to repay nothing at all (ibid). In the same vein, while we should strive for full compliance, such goals should not detract from encouraging but incomplete gains.

#### *Sustainability*

As discussed in Chapter 4, it is important the work performed in communities does not create dependency within them. Help should be offered in a sustainable way by either setting foundations such that help will eventually no longer be needed (e.g., family structures and their resources are such that additional assistance is no longer necessary) or the community is eventually able to provide assistance on its own.<sup>173</sup> Such a scheme allows a greater number of people to be helped since resources are not permanently tied to a single location.

#### *Cooperation*

NGOs have well documented cases of fractionalism, including in the movement to address child labor (see Fyfe 2007: 46, 75). This lack of cooperation leads to silos that cannot provide or receive knowledge of best practices, duplicate services, and unnecessary competition for scarce resources. While there may be more than one way to approach an issue, it is important NGOs cooperate and stay focused on their shared goals.

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<sup>173</sup> To be clear, this is not because outsiders' help is less valuable but because it is often a more expensive way of providing resources.

## **VII. Poised for success**

While implementation of equality of opportunity for all children will not be easy, it is far from impossible. Although a significant amount of additional research is needed, we should be encouraged by the progress society has already made and have the patience and persistence to see these ideas through.

## Conclusion

### Chapter 12

#### I. Summary of the arguments contained in this dissertation

The central argument of this dissertation is that individuals have moral obligations to disadvantaged children to create a substantive equality of opportunity so that any differences in socioeconomic status or life circumstance result from individual choice and not poor moral luck.

To set the stage for what followed, the dissertation began by exploring *prima facie* arguments for these obligations, including the pervasiveness of disadvantaged children, their innocence, the effectiveness of diverting scarce resources to this cause, and the long-term effects of childhood.

Having concluded the preliminary evidence was compelling enough to continue exploring the topic, the dissertation then sought to define a disadvantaged child by first exploring what ‘child’ means and researching the history of our conceptions of childhood. It then detailed the causes of disadvantaged children as well as their household and personal characteristics. Afterwards, the dissertation examined the effects of this type of disadvantage and where people suffering from this live. Next, it defined who the individuals are with the obligations to eliminate this disadvantage.

With the definition of a disadvantaged child established, the dissertation explored why the concept of rights and states have failed to protect them. In order to do so, it examined the concept of rights on three levels: general, human, and child. It then researched the benefits of these rights. Next it discussed criticisms of rights and concluded the state has failed to protect them due to the ambiguity surrounding the obligations of rights, weak institutions, politics, and incompetency. Finally, the dissertation concluded foreign aid has also been ineffective due to unfulfilled pledges, waste, and unintended consequences.

There are, however, six pragmatic reasons for individuals to help disadvantaged children. First, such assistance strengthens the economy by increasing growth, improving labor productivity, and reducing the budget deficit. Next, it increases civil participation. Furthermore, investing in disadvantaged children improves national security and reduces population growth. It also en-

hances quality of life by increasing innovation and technology, reducing crime, and improving health. Finally, reciprocity provides another pragmatic reason to assist disadvantaged children.

Although pragmatic arguments are necessary for convincing certain skeptics, it is the moral arguments that contain the most important reasons for assisting disadvantaged children. As a result, the dissertation first explored the nature of moral obligations and, specifically, obligations of beneficence. Interestingly, globalization lessens the impact of the geographical distance and more closely links humanity. Due to both this and the moral arbitrariness of nationality, special obligations do not override the arguments contained in this dissertation, and the case for cosmopolitanism remains strong.

Having established this, the dissertation continued by exploring the moral arguments for helping children and examining the institutional and individual aspects of fulfilling such obligations, concluding although institutions are important, individuals maintain ultimate responsibility. People have obligations to children due to both the benefit of being in society as well as the nature of moral luck. What do these obligations entail? They entail establishing a substantive equality of opportunity for children, and can be grounded in ideas of equal moral status and the common morality. It is acceptable that the latter is incompletely theorized grounding, and disagreement over these ideas actually enhances them.

With the philosophical case for the central premise established, what are the specific obligations individuals have to children? To answer this question, one must understand the idea of a child's best interests and his need for nutritious food, clean drinking water, adequate sanitation, good healthcare, decent shelter, a proper education, and love and guidance. It is important to note these obligations are indivisible and can be fulfilled through time, money, or in-kind donations.

What are the limits to these obligations? A perennial problem in moral philosophy is the problem of overdemandingness. There are many reasons to limit the extent of moral obligations, including donor fatigue, resource constraints, and beneficiary non-compliance. These are further hampered by the nature of the obligations themselves, which are considered imperfect and our world non-ideal. However, we are so far from breaching the limits of our obligations that the dissertation concluded limits are not yet relevant.

Assessing the progress made thus far, it is important to understand objections to the arguments made, which can be divided into five categories: moral/philosophical, political, economic/feasibility, sociological, and personal. None of these objections override the central premise.

Next, it is important to understand the feasibility of the moral arguments we make if we actually want to impact the culture at large. In order to do so, one must begin by examining the progress humanity has made thus far, particularly in healthcare, education, and labor practices. Fortunately, the trends are encouraging. Still, implementation of the central premise may seem impossible due to the size of the problem, inertia and indifference on the part of the obligors, and resource constraints. However, the ideas are feasible because of the knowledge we already have on how to tackle the problem, encouraging social trends applying to social justice, and the understanding that the resources, while constrained, are still sufficient. There are a series of preliminary steps we can take to implementing the ideas, including raising awareness, providing people with opportunities to help, persisting when faced with setbacks, and measuring our success. After all, this dissertation desires to be more than just an intellectual exercise but actually provide the intellectual basis for the implementation of the ideas it contains.

## **II. The desired impact of these arguments**

Lamenting the increasing self-absorption of individuals living in prosperous countries has become a popular counter-cultural pastime, and examples of this absorption abound. Movies such as *Fight Club*, an unintentionally narcissistic film that pontificates the emptiness of materialism, are considered profound even as millions of children die of hunger and disease. During the most severe economic downturn in recent history, *The Wall Street Journal* reported middle class women were spending US\$120 per month on a prescription product that enhances eyelash growth despite warnings of the little-understood mechanisms through which the product works and risks that include a change in eye color (Mapes 2009). Such self-absorption often exists alongside moral indifference, especially to those living in less privileged circumstances. While such vanity is alarming, inveighing against it is of limited value if such criticisms are not accompanied by solutions.

This dissertation offers one such solution. By providing both moral and pragmatic reasons to assist disadvantaged children, it seeks to transform our attitudes regarding charity and our obligations to others from a benevolent, optional act to a morally obligatory duty. Should these



attitudes begin to change and individuals actually begin fulfilling their moral obligations to disadvantaged children, it is possible to no longer rely on the inefficient mechanisms of the state in order to witness radical transformations in the areas of poverty, teenage pregnancy, and suffering in our lifetime. This, in turn, will help create a more stable and prosperous society.<sup>174</sup>

The ability to generate this type of impact will be difficult. It is much easier to spread and debate ideas in academia than it is to actually implement them in society at large (see Pogge 2001a: 3). First, particularly in a world whose fashionable view of morality is to accept all viewpoints and ways of living despite their respective merits, it will be difficult to impress upon society the importance and urgency of the ideas contained in this dissertation. Furthermore, even those who accept such ideas are likely to be cynical about mankind's motivation to act upon them. Finally, even if people act upon them, the society they seek to produce may not materialize.

Yet, as the previous chapter demonstrated, difficult is not the same as impossible. As Thomas Nagel (1991: 7) writes,

But while the avoidance of utopianism is important, it is no more important than the avoidance of hard-nosed realism, its diametrical opposite. To be sure, a theory that offers new possibilities must be aware of the danger that they may be purely imaginary. The real nature of humans and human motivation always has to be an essential part of the subject: Pessimism is always in order, and we have been given ample reason to fear human nature. But we shouldn't be too tied down by limits derived from the baseness of actual motives or by excessive pessimism about the possibility of human improvement. It is important to try to imagine the next step, even before we have come close to implementing the best conceptions already available.

Thus, one of the primary goals of this dissertation is to show not only that we have an obligation to create an equality of opportunity for children but that the implementation of such an idea, while difficult, is still feasible. John Stuart Mill (2005: 46) takes a rather dim view of man, declaring 'the general average of mankind are not only moderate in intellect, but also moderate in inclinations: they have no tastes or wishes strong enough to incline them to do anything unusual, and they consequently do not understand those who have, and class all such with the wild and intemperate whom they are accustomed to look down upon'. Yet this dissertation hopes that such moderate inclinations, at least in the area of morality, are the result of ignorance and the

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<sup>174</sup> For example, a society that is better educated – one of the primary consequences of fulfilling our obligations to disadvantaged children – will result in more minds devoted to inventing new technologies or curing terrible diseases instead of focusing on the day-to-day survival grinding poverty brings.

lack of vividness described in Chapter 11 rather than an unwillingness to help others, particularly disadvantaged children. By increasing the vividness of the situation of children across the world and showing how it is not only unjust but also unnecessary, this dissertation seeks to act as the catalyst for implementing an equality of opportunity in society. Over the long term, this implementation would increase justice since individuals' situations would be the result of personal choice and not poor moral luck. While these are ambitious goals, they are far more desirable than engaging in interminable academic debates. After all, as Robert Louden (1988: 378) writes, 'However muddy and treacherous the waters may be, ethical theorists ought not to turn their backs on the traditional aim of arriving at a comprehensive account of good living'.

### **III. A final thought**

It is much easier to be cynical about improving humanity's lot when one is not daily faced with the suffering and desperation poverty brings. In the first part of *Les Misérables*, Victor Hugo writes one can be indecisive regarding the death penalty until suddenly confronted with the sight of a guillotine. The sight of such a contraption, he argues, is so violent it demands one choose to be for or against the punishment.

There is something to this sentiment. I do not see how being confronted with the desperate suffering of so many children cannot demand action, and if that action is rational and sustained, it will improve humanity's lot. After all, Henry Spira seems correct when he asserts 'one wants to feel that one's life has amounted to more than just consuming products and generating garbage' (as quoted by Singer 2009: 174). If we can show people how to live beyond mere consumption instead of simply vaguely pronouncing they should do so, the world can change and an equality of opportunity for everyone will become reality.

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